

ASSESSMENT OF
SPANISH COURT INTERPRETER SERVICE
DELIVERY METHODS FOR THE
SUPERIOR COURT IN YAVAPAI COUNTY, ARIZONA

Institute for Court Management
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ABSTRACT

This research project examines how Spanish-speaking Court Interpreter services are provided by the Superior Court in Yavapai County, Arizona. It compares local practices with how other courts in Arizona and other states provide these services. Courts are responsible for preserving individual rights, the integrity of the adjudication process, and access to justice by determining whether interpreter services are necessary and providing these services to the extent they are required. The quality of Spanish-speaking Court Interpreter services in Yavapai County is considered high, however, rising costs to provide these services in the current manner creates a financial disincentive to appoint interpreters in all types of cases. U.S. Census Bureau data for Hispanic and Latino population in Arizona indicates this segment of population grew by 88% from 1990 to 2000, and by 137% in Yavapai County, while general population grew by 40% and 56% for Arizona and Yavapai County, respectively. The pace of the population growth is not expected to slow. The annual costs to provide Spanish-speaking Court Interpreter services have increased from \$51,361 in fiscal year (FY) 2000/01 to projected \$94,025 in FY2003/04, an 83% increase over three years.

The goal of this project is to determine whether there are reasonable and cost-effective alternatives to consider in reducing costs and improving the delivery of Spanish-speaking Court Interpreter services in Yavapai County. These measurable objectives were established to research potential improvements:

- Determine cost of current service delivery in Yavapai County.
- Measure users' perception of current services in Yavapai County.
- Identify how other counties in Arizona provide services.
- Identify how counties in neighboring states provide services.
- Identify Interpreters' current satisfaction and improvement ideas.
- Provide recommendations to test alternatives and improve services.

The research design for this project included two types of data collection instruments and a literature review to determine research previously completed. Data from source documents was recorded on charts. Questionnaires were used to conduct interviews with four unique populations:

- Court personnel in eleven of fifteen counties in Arizona.
- Individuals who support interpreter services in New Mexico and Colorado.
- Users of Spanish-speaking Court Interpreter services in Yavapai County.
- Spanish-speaking Court Interpreters and the Court Services Coordinator who coordinates interpreter services in Yavapai County.

The Superior Court in Yavapai County has a Court Services Coordinator who schedules Spanish-speaking Court Interpreter services for eight Superior Court Judges, five Justices of the Peace, the Public Defender's Office, Adult Probation Department and Juvenile Court. When an interpreter is needed, four hourly-paid Spanish-Speaking Court Interpreter personnel are utilized. Telephonic interpreting services and freelance services are used on a limited but increasing basis. Interviews with current users and providers of Spanish-speaking Court Interpreter services indicate a high level of satisfaction in services provided by Spanish-speaking Court Interpreter personnel.

Satisfaction with telephonic interpreter services varies, depending upon the telephonic interpreter's skills and legal vocabulary. Spanish-speaking Court Interpreter personnel indicated their work is satisfying, although three would like more work and one stated pay is an issue. While quality and availability of services does not appear to be a concern, there is a reluctance to provide interpreters in cases other than criminal and juvenile due to the associated costs. Research indicates there is a desire to remove financial disincentives to appoint qualified interpreters in all case types in Yavapai County

The Superior Court in Yavapai County needs to prepare for continued growth of the Spanish-speaking population. While findings from this research can be used to make recommendations to improve the provision of Spanish-speaking Court Interpreter services, the lack of quantitative information from other counties and the variety of methods used to provide services make it difficult to directly compare costs. Courts with interpreter personnel cited cost benefits in moving from primary reliance on independent contractors to staff interpreters who also coordinate interpreting services. Interviews with users of Spanish-speaking Court Interpreter services in Yavapai County indicate a desire to expand the availability of interpreter services to minimize case processing delays that impede productivity and inflate costs. There was a prevailing view that the provision of interpreter services should not be driven by availability of local resources, or lack thereof. The four main recommendations and conclusions from the literature review and interviews are listed below.

- Retain a centralized system, establish salaried staff interpreter position(s) that also coordinate services and expand collaboration.

- Support interpreters in continuing education and professional development.
- Explore expanded use of technology.
- Support state efforts to establish certified court interpreter program and budget for interpreter services.

The Superior Court in Yavapai County has quality Spanish-speaking Court Interpreter services and excellent cooperation by the Judges and others who use these services.

The findings of this project support advocates who have previously asserted the State of Arizona needs to make the provision of qualified court interpreter services a priority for all courts and citizens of Arizona.

INTRODUCTION

This research project examines how Spanish-speaking Court Interpreter services are provided by the Superior Court in Yavapai County, Arizona, and compares local practices with how other courts provide these services. The researcher intends to ascertain whether there are reasonable and cost-effective alternatives to consider in reducing costs and improving the delivery of Spanish-speaking Court Interpreter services.

The Superior Court of Arizona is a state general jurisdiction court with a courthouse located in each of the fifteen counties. The Superior Court in Yavapai County operates from two facilities provided by the County: the Yavapai County Courthouse in the county seat of Prescott and the Camp Verde Justice Facility approximately 50 miles from Prescott.

Yavapai County is 8,123 square miles of mainly rural areas. Yavapai County has two main population centers: the Prescott tri-city area, which includes Prescott, Prescott Valley and Chino Valley, and the Verde Valley, which includes Sedona, Camp Verde, Cottonwood, Clarkdale and Jerome. Prescott is the site of a great deal of Arizona history, being the capitol of Arizona twice in territorial days.

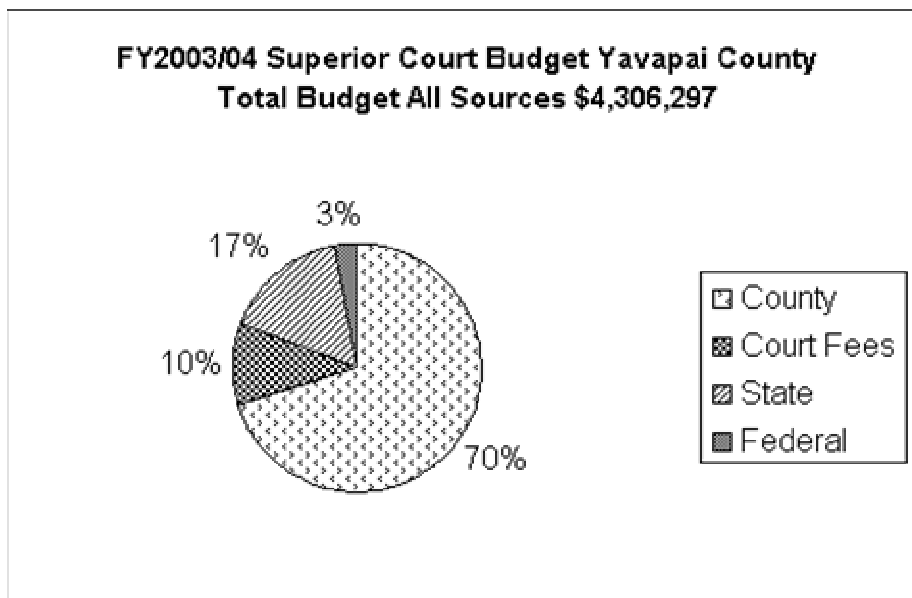
The Superior Court in Yavapai County has six divisions to which Judges are elected. Additionally, there is a full-time Judge Pro Tempore Division and a full-time Family Law Commissioner Division. Six divisions are located in Prescott and two divisions are located in the Verde Valley.

The limited jurisdiction courts are comprised of five Justice of the Peace precincts and eight Magistrate and Municipal Courts. Due to co-locating, thirteen limited jurisdiction courts operate from eleven facilities throughout Yavapai County.

Yavapai County provides funding for the Superior and Justice of the Peace Courts. The Superior Court also receives revenue from fees, grants and State payment of 50% of the elected Superior Court Judges' salaries. Municipal Courts receive funding from the cities in which they have jurisdiction and are located.

As shown in Figure 1, the fiscal year July 1, 2003 – June 30, 2004 (FY2003/04) budget for the Superior Court in Yavapai County is approximately \$4.3 million. It includes more than \$3 million from the County, \$712,510 from the State, \$115,661 from a federal grant and \$446,373 from local fees collected by the Clerk of Superior Court.

Figure 1
FY2003-04 Superior Court Budget - Yavapai County
Budget by Source of Funds



Source: FY2003/04 Superior Court, Yavapai County Budget Exhibit #2, 8/4/03.
State and Federal grant documents and local court fee budgets.

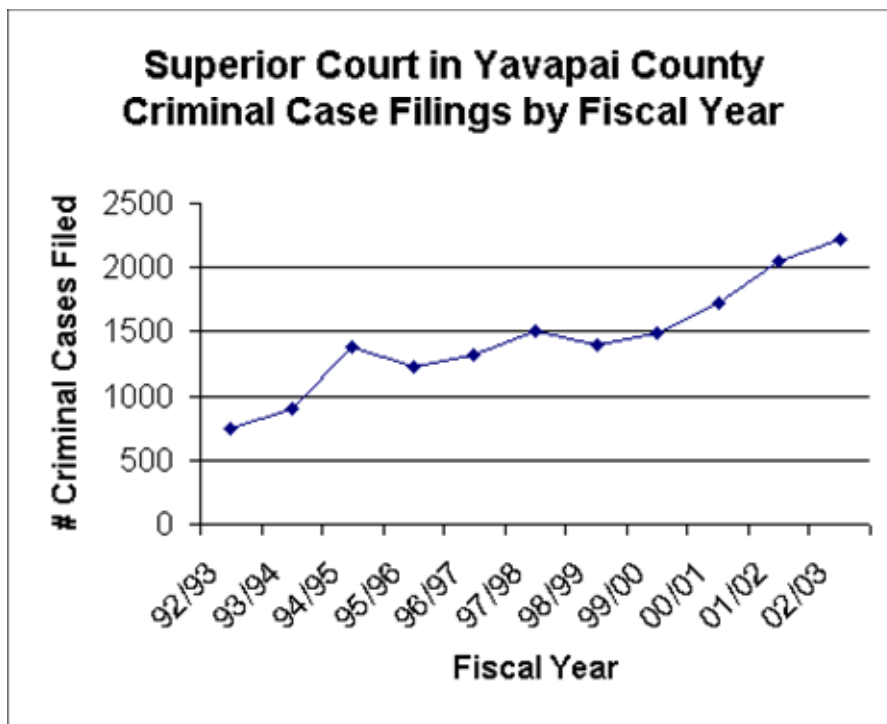
The FY2003/04 budget for Superior Court Interpreters is \$62,000. This budget funds interpreters for the Superior Court, Justices of the Peace, Adult Probation and Juvenile Court. The Public Defender's budget is charged for interpreter services retained by attorneys in the Public Defender's office and contract indigent defense attorneys.

Spanish-speaking Court Interpreter services are being evaluated for a number of reasons. The Superior Court in Yavapai County needs to prepare now to meet the tremendous growth, both in terms of population and criminal cases filed. The cost of services has risen dramatically and is expected to continue to increase, despite the lack of compensation rate increases. Leadership recently changed when the Presiding Judge of nine years retired. With this change, there is interest in reviewing how services are provided, in general, and what improvement opportunities may exist. There is a desire to maximize the quality of services in a fiscally responsible manner.

Caseload Growth

Court Interpreter services are almost exclusively provided in criminal cases. According to Superior Court Case Activity statistics published by the Arizona Supreme Court, Administrative Office of the Courts, Court Services Division, the number of criminal cases filed in the Superior Court in Yavapai County increased from 1,726 in FY2000/01 to 2,216 in FY2002/03, an increase of 28% in two years. The four-year increase in criminal cases filed is 59%, up from 1,397 cases in FY1998/99. Figure 2 shows the historical growth in criminal case filings for FY1992/93 through FY2002/03.

Figure 2
 Superior Court in Yavapai County
 Criminal Cases Filed by Fiscal Year



Source: Superior Court Case Activity Reports published by Arizona Supreme Court, Administrative Office of the Courts, Court Services Division.

The increasing criminal caseloads are driving increased interpreter needs. See Appendix 1 for filing statistics for all case types.

Population Growth

Population growth on a national, state and local level has also contributed to the timeliness of this study. According to the 2002 Report on Trends in the State Courts published by the National Center for State Courts, “Hispanic immigrants, primarily from Mexico and Latin America, comprise 13% of the U.S. population and represent the fastest growing minority population.” (64). The report anticipates, “...continued expectations for the courts to serve people with Spanish as their first language” as the

Spanish-speaking population grows, increasing demands for courts to provide translation services for Spanish as well as other languages (64).

Roseann Dueñas González, Ph.D., professor of English at the University of Arizona, and her colleagues, Victoria F. Vásquez, and Holly Mikkelsen, agree the population trends, "...strongly indicate the likelihood of a continuing, growing demand for language services in the courts" (21). According to Professor Dueñas González and her colleagues, "The number of limited- or non-English-speaking persons in the United States will reach 50,000,000 by the year 2020 (Waggoner, 1988)," (21). Courts are encouraged to prepare for this anticipated major change in demographics over the next two decades by strengthening, expanding and upgrading court interpreter services. (González, 21).

According to U.S. Census Bureau Profile of General Demographic Characteristics: 2000, the population of Hispanic or Latino (of any race) in Arizona was nearly 1.3 million or 25% of Arizona's 2000 total population of approximately 5.1 million. As shown in Table 1, Arizona population, in general, grew 40% from the 1990 U.S. Census to the 2000 U.S. Census. Yavapai County population grew 56% over the same ten years. (U.S. Census Bureau).

Table 1
 Arizona and Yavapai County Population Estimates
 Census April 1, 1990 and April 1, 2000

Area	1990 U.S. Census	2000 U.S. Census	Percent Growth
AZ General Population	3,665,339	5,130,632	40%
Yavapai County General Population	107,714	167,517	56%
AZ Hispanic/Latino Population	688,338	1,295,617	88%
Yavapai Co. Hispanic/Latino Population	6,899	16,376	137%

Source: U.S. Census, 2000 Census Data, Bureau of Census. Website. 11/18/03.

According to U.S. Census Bureau population data, the Prescott tri-city area has grown in population from 40,333 to 65,308 (62% increase) and the Verde Valley population increased from 22,428 to 32,573 (45% increase) from the 1990 census to the 2000 census. Population growth throughout Yavapai County has been significant and it is not expected to slow.

U.S. Census Bureau data for Hispanic and Latino population in Arizona indicates this segment of the population grew by 88% from 1990 to 2000, and by 137% in Yavapai County. This is significantly more than the general population growth for Arizona and Yavapai County. If this historical growth of Hispanic and Latino population in Yavapai County is an indicator of the future, the Superior Court must act now to improve the provision of Spanish-speaking Court Interpreter services.

Cost and Usage Growth

Data on hours worked by Spanish-speaking Court Interpreters was not tracked in FY2000/01, but compensation data was maintained. This information is provided in

detail in Appendix 2 and shown in summary form in Tables 7 and 8 in the Findings section.

According to the data collected, the four Spanish-speaking Court Interpreters worked a combined average of 38 hours per week in FY2001/02 and are projected to work an average of 47 hours per week in FY2003/04. This is an approximate increase of 24% over two fiscal years. Often these personnel all work on the same day and on other days, none of them work. Even though the average hours per week appears to be equivalent to slightly more than one full-time position, it should not be assumed only one or even two personnel could have performed all of the work in all of the locations.

Total compensation paid to Spanish-speaking Court Interpreter personnel is projected to increase by approximately 17% from FY2001/02 to FY2003/04. This is gross salary and does not include payroll taxes paid by the County or mileage that may have been paid. The average compensation per hour ranged from a low of \$31.33 per hour in FY2002/03 to a high of \$35.58 in FY2001/02. The changes are the result of turnover, changes in hourly rates of pay, and the compensation arrangement with one interpreter that includes a per diem rate. The per diem arrangement results in reduced cost per hour for each additional hour worked after three hours, up to six hours.

If the number of hours worked by Court Interpreter personnel continues to increase at the rate of 24% every two years, Yavapai County can anticipate providing approximately 4,227 hours of service in five years. If the FY2003/04 average rate of compensation per hour of \$33.87 remains for the next five years and no changes are made in the way interpreter services are provided, Yavapai County will spend an estimated \$143,168 in gross wages to Superior Court Interpreters in FY2008/09. This

does not include taxes, mileage, supplemental freelance or telephonic Spanish Interpreters, or administrative overhead costs.

Costs for Spanish-speaking Court Interpreter services (personnel, telephonic and freelance services) are projected to increase from approximately \$51,361 in FY2000/01 to \$94,025 in FY2003/04, which represents an 83% increase over three years. Use of Language Line Services and freelance Court Interpreter services has been increasing due to unavailability of Superior Court Spanish-speaking Court Interpreter personnel.

The increasing local demand and costs for Spanish-speaking Court Interpreters in Yavapai County and the anticipated need noted by professionals was significant enough to warrant research of how these services are provided elsewhere. Although the quality of services provided by Spanish-speaking Court Interpreter personnel in Yavapai County is exemplary, there may be more efficient and effective ways of providing quality services at the same or lower costs.

This research will help determine if it is in the best interest of the Superior Court in Yavapai County, funding agencies and constituents to establish other ways of providing Spanish-speaking Court Interpreter services. If the findings indicate these services are provided in the best possible way given the available resources, it will be a good opportunity to reinforce the positive aspects of the current system. The researcher will review how services are provided throughout Arizona and in other states, share the findings, and make recommendations to apply best practices.

Constitutional, Statutory and Rule Requirements

While the U.S. Constitution does not guarantee the right to an interpreter, it does protect individual life, liberty and property, in the fifth and fourteenth amendments by

guaranteeing the right to due process of law and fairness through equal protection of laws. The sixth amendment provides the accused in criminal prosecutions the right to be informed of the nature and cause of the accusation, and to cross-examine witnesses. When language barriers exist, the Court is responsible for preserving individual rights and the integrity of the adjudication process by determining whether interpreter services are necessary, and providing these services to the extent they are required.

Currently, courts in Arizona rely upon the U.S. Constitution, Arizona Revised Statutes (A.R.S.) and Arizona Rules of Civil Procedure as the governing authorities to provide interpreters. There is only one section in the A.R.S. pertaining to interpreters, other than interpreters for deaf persons. A.R.S. Title 12, Article 5, Section 241, created by the legislature in 1955, states, “The court may when necessary appoint interpreters, who may be summoned in the same manner as witnesses, and shall be subject to the same penalties for disobedience.” (781). This leaves full discretion to the Court in determining when it is “necessary” to appoint interpreters.

Rule 43(c) of the Arizona Rules of Civil Procedure allows courts to appoint interpreters in civil cases, but does not require it. Rule 43(c) states:

The court may appoint an interpreter of its own selection and may fix the interpreter’s reasonable compensation. The compensation shall be paid out of funds provided by law or by one or more of the parties as the court may direct, and may be taxed ultimately as costs, in the discretion of the court. (99)

When interpreters are appointed in civil cases in Yavapai County, including domestic relations, the Judges order the parties to pay the costs. Rare exceptions are

made if the Judge determines there are extraordinary circumstances that warrant the court paying for interpreter services, such as when child custody is at issue and the parties are indigent.

Courts in Arizona do not have a statewide interpreter program. Arizona is one of twenty states that do not belong to the Consortium for State Court Interpreter Certification (Court Interpreting, Consortium Member States). Because of the lack of a coordinated effort at the state level, each Court must obtain funding and locate qualified interpreters by whatever means may be locally available.

In the past, whoever needed interpreting services in Yavapai County directly contacted the interpreters. While it was a simple procedure, it sometimes resulted in multiple interpreters appearing in the same courthouse or office because there was no coordination of services. The Court paid for travel time for more than one interpreter and sometimes a per diem was paid for an interpreter who could have performed additional assignments at no additional cost.

Since December 2002, the Superior Court Administrator has been responsible for coordinating Court Interpreter services. Rarely there is a need for a sign language interpreter or an interpreter for a foreign language other than Spanish. In these instances, the Court Services Coordinator seeks interpreter services from other areas, generally Phoenix which is 100 miles from the Yavapai County seat of Prescott. This study is focused on Spanish-speaking Court Interpreter services because the cost-benefit potential is significant compared to the lesser-used interpreters for other foreign languages and the hearing impaired.

Spanish-speaking Court Interpreter Services in Yavapai County

The goal is to provide quality Spanish-speaking Court Interpreter services as efficiently as possible. Quality in the context of interpreting is defined as services provided in a manner that does not interfere with the judicial process. The meaning of the dialogue is not altered in the interpretation due to misinterpretation, omission or embellishment.

William E. Hewitt from the National Center for State Courts has done extensive research and authored many publications on the subject of court interpreters, including Court Interpretation: Model Guides for Policy and Practice in the State Courts. In the Model Guides, Mr. Hewitt describes interpretation and translation:

- Interpretation: Unrehearsed transmitting of a *spoken* or signed message from one language to another. Qualified interpreters use simultaneous and consecutive modes. Summary interpreting should not be used in court settings.
- Translation: Relates to written language. (31-32)

Mr. Hewitt defines consecutive and simultaneous interpreting, as well as translation, in Court Interpretation: Model Guides for Policy and Practice in the State Courts.

- Consecutive interpreting is rendering statements made in a source language into statements in the target language intermittently after a pause between each completed statement in the source language. In other words, the interpreter renders an interpretation after the speaker has stopped speaking. (32)

- Simultaneous interpreting is rendering an interpretation continuously at the same time someone is speaking. (32)
- Translation is converting a written text from one language into written text in another language. (33)

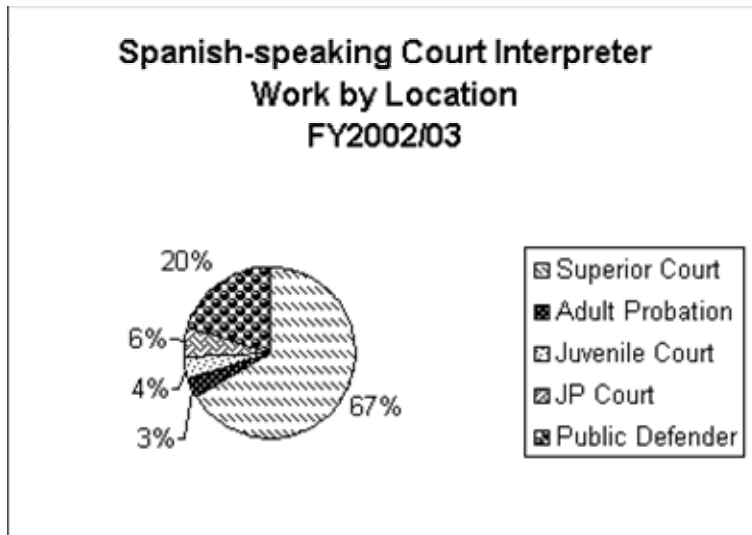
The method used to provide interpreter services in Yavapai County has evolved into a coordinated effort for the Superior Court, Juvenile Court, Adult Probation Department, Justice Courts, and Public Defender's office. Because the Courts and departments using interpreter services are in many different locations, interpreters often travel to their assignments. The Superior Court has eight divisions in two locations, the Justices of the Peace are in five locations throughout the County, the Adult Probation Department has three offices, Juvenile Probation Department has two offices, and the Public Defender has two offices. Additionally, the Superior Court arranges Spanish-speaking Court Interpreter services for contract indigent defense attorneys.

The Superior Court has four Spanish-speaking Court Interpreters who are scheduled by the Court Services Coordinator in Court Administration. Weekly, the Court Services Coordinator receives court calendars prepared by the Superior Court Judicial Assistants and looks for annotations indicating an interpreter is required. Additionally, minute entries of proceedings that include a Court Interpreter are sent to notify the Court Services Coordinator of upcoming proceedings. Personnel from the Justice of the Peace courts, Adult Probation Department, Juvenile Court and Public Defenders office call the Court Services Coordinator when Spanish-speaking Court Interpreter services are needed. The Court Interpreters also notify the Court Services

Coordinator if someone contacts them directly to request services or they are aware of an ongoing need in a case.

Figure 3 shows where the Spanish-speaking Court Interpreter personnel in Yavapai County provided services in FY2002/03.

Figure 3
Yavapai County Spanish-speaking Court Interpreter Work by Location
Fiscal Year 2002/03



Source: Yavapai County payroll records, timesheets and invoices.

The Court Services Coordinator maintains a calendar of interpreting needs and schedules personnel accordingly. Spanish-speaking Court Interpreters are called at the end of each week and given their schedule for the upcoming week. As unanticipated needs arise, the Court Services Coordinator will work with the individual needing the services to schedule Court Interpreters according to existing assignments. Because courts are widespread throughout the County, the Court Services Coordinator attempts to make the best use of the Interpreters' time when scheduling assignments. When the four Court Interpreters are not available and scheduling is inflexible, a freelance Court

Interpreter is retained. Depending upon the need, sometimes the usage of Language Line Services, a telephonic interpreter service described below, is suggested.

The Superior Court in Yavapai County does not have a program to provide training or testing to determine competency of interpreters. The Court has been fortunate to have the expertise of the local Spanish-speaking Court Interpreters. All four Interpreters have personally paid for advanced training and education. Combined, the education of the Spanish-speaking Court Interpreters in Yavapai County includes: attendance at the Agnese Haury Institute for Interpretation at the University of Arizona, formerly the National Center for Interpretation Testing, Research and Policy Summer Institute for Court Interpretation; Master's degree in Spanish Language and Literature from Middlebury College, Vermont, including two years of study at the University of Madrid, Spain; Master's degree in Spanish; and post-graduate studies in Bilingual Legal Interpretation at the University of Charleston, South Carolina. Two interpreters are currently pursuing federal certification and one is a Professor of various Spanish courses at the local community college.

The newest Interpreters had the benefit of on-the-job training and tutoring from the experienced Interpreters who did not have this assistance. On an ad hoc basis, the Interpreters share books on legal terminology and court interpreting practice, share current events and tips they learn from conferences, and support each other in their chosen profession.

The Superior Court budget does not have training funds dedicated for these part-time personnel, but has provided some limited funding for training and travel when

possible. The Court Interpreters would like additional financial support to attend job-related workshops and training programs.

Currently, three of the four interpreters are paid on an hourly basis. One interpreter is paid on an hourly basis for up to three hours of work, and then compensation changes to a per diem rate for three to six hours of work. This interpreter is paid hourly for hours in excess of six, in addition to the per diem, when assignments exceed six hours.

Court Interpreters use their own vehicles and are not reimbursed for mileage to travel to assignments, except when an assignment is more than 20 miles one-way between work locations or from the Yavapai County Courthouse. In these instances, a county car is generally available, and if not, mileage is paid at \$.345 per mile.

Timesheets are submitted bi-weekly to Court Administration. When a Court Interpreter performs work for the Public Defender or a contract indigent defense attorney, a separate timesheet is used. The Public Defender has given authority to the Court Services Coordinator to sign timesheets on his behalf, which results in charges to the Public Defender's budget for the Court Interpreter work performed for the Public Defender and contract attorneys. The Superior Court budget is charged for all other time worked, including assignments in the Superior Court, Juvenile Court, Adult Probation Department, and Justice of the Peace Courts.

Other administrative costs could not be quantified, so have not been considered in this study. These include time spent by the Court Services Coordinator on administration of interpreter services, scheduling interpreters, answering phone calls, processing invoices and timesheets, and general oversight of services. The Court

Administration Secretary also handles phone calls, and makes copies and files Court Interpreter invoices and timesheets. The Court Administrator and other personnel spend time on interpreter issues in the absence of the Court Services Coordinator. Other counties do not track these overhead costs. Since there is no comparison data, the researcher decided there would be little, if any, benefit in attempting to estimate them for this study.

Telephonic Interpreter Services

The courts in Yavapai County first began to use interpreter services over the telephone due to the unavailability of an interpreter in May 2001. Yavapai County had set up an account with what was then call A T & T Language Line, now called Language Line Services, to provide access to any court or county department needing an interpreter. Interpreting services are provided for a wide variety of languages and are available by dialing a designated number, providing an identifier code for billing purposes, and requesting an interpreter who speaks a particular language. The telephonic Spanish interpreting service provided in May 2001 met the particular need of the Justice of the Peace who retained the service.

The Superior Court Administrator considered the potential use of telephonic interpreter services for weekend and holiday initial appearance hearings at the jail. Until this time, Spanish-speaking Court Interpreters were scheduled to call the jail on Saturdays, Sundays and holidays, to ask if a Spanish-speaking Court Interpreter was needed. Potentially, telephonic interpreter services, which are billed by the minute, could alleviate the need for in-person Court Interpreter services in short initial appearance proceedings. Shortly thereafter, telephonic interpreting through Language

Line Services replaced Spanish-speaking Court Interpreters at weekend and holiday initial appearance hearings.

Since that time, Justices of the Peace have used telephonic services when a Spanish-speaking Court Interpreter is not available during the week and in proceedings for individuals who speak a foreign language other than Spanish. The Superior Court does not use telephonic interpreter services because there is no way to determine the qualifications or abilities of the interpreters. Some of the interpreters who provide services telephonically have a sophisticated legal vocabulary and some do not. This is not necessarily a problem in short-cause matters heard by limited jurisdiction courts. Superior Court proceedings are generally longer, have multiple parties and attorneys, and are more complex. The Superior Court is concerned due process would be jeopardized by using telephonic interpreting services in which there is no control over quality. Superior Court Judges use the four part-time Spanish-speaking Court Interpreters whenever possible. If no one is available, freelance Court Interpreters are retained from another county or proceedings are rescheduled.

Positive aspects of current system

The current system used to coordinate Spanish-speaking Court Interpreter services has a number of benefits. First, by compensating interpreters on an hourly basis as opposed to a salary, costs can be controlled. The Superior Court is only paying for hours worked, although admittedly, sometimes there is downtime between assignments for which interpreters are paid. The Court does not pay for employee benefits, such as health insurance, because the Spanish-speaking Court Interpreters are hourly part-time personnel not eligible for benefits.

Next, risk of not having an interpreter available is diversified because there are multiple interpreters. If there were only one or two interpreters who worked more hours than what the four interpreters are working, potentially there would be more risk. It would be a great hardship on the Court if an interpreter was unexpectedly unavailable and there were no other interpreters available. Currently, there is loss control as other Spanish-speaking Court Interpreters are generally available to step in and cover assignments in these unanticipated situations. The same is true when time off is scheduled.

Having four Spanish-speaking Court Interpreters available allows service to be provided in multiple locations at the same time. As previously mentioned, courts and departments using these services are scattered throughout Yavapai County. Counting the two jails, an interpreter could be called upon to work in twenty-two different locations. Fewer interpreters would limit the ability to provide services in multiple locations at the same time.

Until two years ago, interpreters were contacted directly for work assignments. Coordination of assignments was limited to what the person retaining the service and the interpreter knew of other assignments. Travel is now economized due to coordination of assignments in the same proximity and timeframes of other assignments. This avoids compensation for travel time and minimizes use of the county vehicle and mileage reimbursement.

The current method of coordinating services allows Judges full discretion in scheduling their cases. If Interpreters were only available to work in certain locations at certain times, a myriad of other problems and inefficiencies would be created. The

Superior Court currently considers the availability of prosecutors and defense attorneys, jail transport and victim witness personnel, and others in scheduling proceedings. If court calendars were set to accommodate the Court Interpreters, it would impact the schedules of all of the other parties involved in the case.

Drawbacks of current system

The current system used to provide Court Interpreter services is not perfect. Sometimes need for an interpreter arises unexpectedly, either due to oversight, lack of communication, or an emergency situation not contemplated. Due to the lack of full-time Spanish-speaking Court Interpreter personnel, despite best efforts, the Court cannot always meet these unanticipated needs. When this happens, the assignment is delayed to another time, at a minimum, and often to another day.

Apparently, the Superior Court in Yavapai County is not the only organization with this problem, as Professor Roseann Dueñas González, Victoria F. Vasquez, and Holly Mikkelson cover this very topic in their book, Fundamentals of Court Interpretation.

According to these authors:

In an ideal situation, the supervisory interpreter would have an unlimited number of full-time interpreters in every language that was ever requested. As the need arose, the assignment clerk...would simply make the assignment from an ever-ready pool of staff interpreters whose full-time position would assure their availability everyday. This “utopian” situation is obviously a practical impossibility. Fiscal reality simply makes it unfeasible for a local court to hire a large number of full-time staff positions in an area where the demand for their services is unpredictable

and fluctuates drastically from day to day. The practical solution to this problem is to develop and maintain a pool of available outside providers or per diem interpreters who will render service on an as-needed basis.

(209)

The process of scheduling assignments creates a sense of competitiveness in the Interpreters who would like to work more. This manifests itself in queries from Interpreters as to why they are not working as much as they prefer and why others appear to be working more.

The employment status of the Spanish-speaking Court Interpreters contributes to a feeling that they are not Court employees. They are on-call hourly-paid personnel, without benefits, an office, and financial assistance for training. They are paid from two budgets, the Superior Court and the Public Defender, but they do not have a sense of belonging to either organization. There are underlying morale issues resulting from this situation.

The lack of funding for training is disappointing to the Spanish-speaking Court Interpreters. The Superior Court provides funding to the extent it is available to assist the interpreters attend training. As hourly personnel, they are not required to meet training requirements established by the Committee on Judicial Education and Training (COJET). The COJET sets training requirements for all judges and court personnel in Arizona. The limited funds available for travel and training are primarily reserved for personnel who must comply with COJET requirements. The result is the Spanish-speaking Court Interpreters use personal funds to attend educational programs or forego training because of financial constraints.

According to Professor González, “The onus of continuing education should not fall exclusively on the individual interpreter. The courts should recognize the need for training and facilitate it in every way.” (520)

Each Judge and Justice of the Peace sets his or her Court calendar based on a number of factors, including statutory priority of case types, and the availability of attorneys, victim witness and jail transport personnel. Superior Court Judges are also cooperative with each other in setting their calendars to minimize conflicts when someone is scheduled to be in multiple locations at the same time. Because of these competing factors, the court calendars are not coordinated to meet the needs of the Spanish-speaking Court Interpreters. They are coordinated to meet the needs of the Judges conducting the proceedings. This results in Spanish-speaking Court Interpreters being in great demand at a given time or day and having little or no work at other times or on other days. It is frustrating for the Interpreters who feel they must rush through assignments on busy days and who would like more work on other days. The Court Services Coordinator also must locate out-of-town freelance services sometimes to meet the competing needs. The cost for freelance Interpreters to travel from Phoenix makes this necessary situation financially undesirable.

A final current system drawback is the hourly rates may not be cost-effective as usage increases. The hourly compensation was originally established when the on-call employees were considered freelance independent contractors. Rates vary from \$25 to \$45 per hour, depending upon the Interpreter. As usage of Spanish-speaking Court Interpreter services increase, it may be desirable to consider part-time or full-time salaried positions with benefits. Not only would it be an opportunity to potentially reduce

costs, but it also may foster a sense of security for interpreters who would become benefit-eligible employees. COJET requirements would exist for these positions, making it easier to justify the use of limited training funds.

Measurable objectives

The following measurable objectives were established for this project to research potential improvements to the provision of Spanish-speaking Court Interpreter services in Yavapai County:

- Determine cost of current service delivery in Yavapai County.
- Measure users' perception of current services in Yavapai County.
- Identify how other counties in Arizona provide services.
- Identify how counties in neighboring states provide services.
- Identify Interpreters' current satisfaction and improvement ideas.
- Provide recommendations to test alternatives and improve services.

Introduction to Upcoming Sections

The next section is a review of literature relevant to this research project. Published and unpublished works were reviewed. Individuals who have expertise in the field of court interpreting were consulted to understand current requirements, improvement efforts undertaken and recommendations made in the provision of court interpreter services. This section also reviews previously completed research projects that relate to this project.

Following the review of relevant literature, the methodology is described. The methodology section includes information on the:

- General design of the project
- Size of the research population and how sampling sizes were determined
- Data collection instruments and the pretesting process
- Data collection process
- Obstacles encountered and how they were overcome

The next section includes the results and findings of the data collected. The sample findings are applied to make inferences about the population.

Findings from the literature review are integrated with the data collected to determine significance and implications. The Conclusion section includes this information and recommendations on the next steps the Superior Court in Yavapai County may want to consider in improving Spanish-speaking Court Interpreter services. Limitations of the study are also discussed and suggestions for further study are shared.

REVIEW OF RELEVANT LITERATURE

This section includes information gained from review of published and unpublished works, and consultations with experts in the field of court interpreting. There was limited information specifically related to providing cost-effective and quality court interpreter services. The majority of the information located was more general in nature. An important central theme emerged in all of the references and this reinforced the importance of this study for the researcher. Access to justice and fairness are deprived when people do not understand English, the language used by courts in the United States of America.

Over time, the Court has been given more discretion in when to appoint interpreters, however, case law indicates the Court still has a distinct obligation to provide these services in certain circumstances. How far the Court carries out its responsibility varies state to state, sometimes by local jurisdiction. Decisions tend to be budget driven, often to the detriment of parties seeking relief from the Court.

This report will discuss constitutional and statutory provisions, as well as a sampling of pertinent case law relied upon historically for guidance in providing interpreter services in the Courts. There will be a review of how demographics and growing linguistic diversity are increasing demand for court interpreter services. Improvement efforts of several states will be also be reviewed and compared. This section will conclude with recommendations from individuals recognized for their expertise in the field of court interpreting.

Access to Justice

While the United States Constitution does not guarantee the right to an interpreter, it does protect individual life, liberty and property, in the fifth and fourteenth amendments by guaranteeing the right to due process of law and fairness through equal protection of laws. The sixth amendment provides the accused in criminal prosecutions the right to be informed of the nature and cause of the accusation, and to cross-examine witnesses. The fifth, fourteenth and sixth amendments of the U.S. Constitution seem to indicate when language barriers exist, the Court is responsible for preserving individual rights and the integrity of the adjudication process by determining whether interpreter services are necessary, and providing these services to the extent they are required.

An article written by Ileana Dominguez-Urban in 1997 focuses on the use of interpreters in mediation, but has relevance to this research in its reference to the Court Interpreters Act (3). Ms. Dominguez-Urban states:

While interpreters can certainly be provided to non-English speaking (“NES”) parties in the courts as a matter of accommodation, the use of a court interpreter has been addressed primarily in terms of constitutional and statutory rights. In 1978, the Court Interpreters Act recognized the right of parties and witnesses to an interpreter if, in the determination of the trial court, they speak “only or primarily a language other than” English, or “suffe[r] from a hearing impairment.” The Act, however, has a fairly limited scope, requiring interpreters only for “judicial proceedings instituted by the United States” in a United States District Court. State

legislation or local rules may also provide a right to an interpreter for NES parties or witnesses. (3)

In addition to the U.S. Constitution, Court Interpreters Act, state legislation and local rules that may exist, courts have relied upon case law in determining what factors impact whether there is an obligation to provide interpreter services. In the 1970 decision in *U.S. ex rel. Negron v. New York*, the U.S. Court of Appeals, Second Circuit, “held that Spanish-speaking defendant in State homicide prosecution was entitled to services of translator, and failure to provide translator rendered trial constitutionally infirm, notwithstanding that interpreter employed in behalf of prosecution from time to time supplied resumes of proceedings.” (387). The Court further decided that even though Mr. Negron, the Spanish-speaking defendant, did not request services of a translator, his actions did not constitute a waiver of his right to such services. The trial court was responsible for informing a defendant of his right to an interpreter, at state expense if need be, throughout the trial. (387). The Court concluded that the non-English speaking defendant’s “incapacity to respond to specific testimony would inevitably hamper the capacity of his counsel to conduct effective cross-examination.” (390).

Four years later, the Supreme Court of Arizona found, in *State of Arizona v. Natividad*, that while the trial court had a responsibility to inform the indigent defendant who was unable to speak and understand English of his right to an interpreter, the defendant also had an obligation to make a timely request for interpreter assistance. Relying upon the Fourteenth Amendment of the U.S. Constitution, the Arizona Supreme Court upheld the defendant’s right to participate effectively in his own defense, with the

assistance of translation in his native language. According to the Arizona Supreme Court ruling, “The inability of a defendant to understand criminal proceedings against him would not only be fundamentally unfair but particularly inappropriate in a state where a significant minority of the population is burdened with the handicap of being unable to effectively communicate in the English language.” (191). It appears to emphasize that courts in Arizona ought to be especially prepared to provide qualified interpreters to indigent Spanish-speaking defendants, since a significant minority of Arizona’s population is Spanish-speaking.

In the 2000 review and subsequent dismissal of the plaintiff’s petition for a writ of habeas corpus in *Phillips v. Miller*, the U.S. District Court, S.D. New York, found:

The Supreme Court has held that the constitutional guarantee of due process in a criminal trial ‘is, in essence, the right to a fair opportunity to defend against the State’s accusations,’ (citations omitted) and that this guarantee encompasses both the right of a defendant to confront witnesses against him and his right to assist in his own defense.

Nonetheless, the Supreme Court ‘has yet to recognize the right to a court-appointed interpreter as a constitutional one.’ (citations omitted). Rather, the Supreme Court has stated that the decision of whether or not to appoint an interpreter ‘is a matter largely resting in the discretion of the trial court.’ (citations omitted). (8).

In summary, “To satisfy minimal federal standards, hearing non-English speakers [people who do not speak English and are not deaf] must be provided with interpreters in federal court only if they are defendants in cases instituted by the United States, and

in state court only if they are indigent defendants in criminal cases.” (Baker 4) Although federal requirements are minimal, expectations for courts to provide qualified interpreter services are increasing with the growing linguistic diversity of our population.

Growing Linguistic Diversity

According to the 2002 Report on Trends in the State Courts published by the National Center for State Courts, “Hispanic immigrants, primarily from Mexico and Latin America, comprise 13% of the U.S. population and represent the fastest growing minority population.” (64) The report anticipates, “...continued expectations for the courts to serve people with Spanish as their first language” as the Spanish-speaking population grows, increasing demands for courts to provide translation services for Spanish as well as other languages (64).

Roseann Dueñas González, Ph.D., professor of English at the University of Arizona, and faculty of applied linguistics and English as a Second Language and an administrator of minority education programs, agrees the population trends, “...strongly indicate the likelihood of a continuing, growing demand for language services in the courts” (21). According to Professor Dueñas González, “The number of limited- or non-English-speaking persons in the United States will reach 50,000,000 by the year 2020 (Waggoner, 1988),” (21). Courts are encouraged to prepare for this anticipated major change in demographics over the next two decades by strengthening, expanding and upgrading court interpreter services. (González, 21).

According to U.S. Census Bureau Profile of General Demographic Characteristics: 2000, the population of Hispanic or Latino (of any race) in the United States comprised approximately 12.5% of the total population in 2000. The same

source shows Arizona's Hispanic or Latino (of any race) population was nearly 1.3 million or 25.3% of Arizona's 2000 total population of approximately 5.1 million.

Arizona Linguistic Diversity

To put the growth into perspective, a comparison was made of the U.S. Census Bureau population data for the years 1990 for the State of Arizona and Yavapai County, specifically. From 1990 to 2000, the data shows total Arizona population grew from approximately 3.67 million to 5.13 million people, which is 40%. (U.S. Census). Yavapai County population grew from approximately 107,714 to 167,517, which is 56% growth over the same ten years. (U.S. Census).

Although it cannot be assumed the entire Hispanic and Latino population is not English-speaking, it appears to be pertinent to review the growth of this segment of the population, as it is bound to impact the need for courts to provide Spanish interpreter services. The actual extent of the impact is unknown. U.S. Census Bureau data for Hispanic and Latino population in Arizona shows this segment of the population grew by 88% from 1990 to 2000, and by 137% in Yavapai County. This is a significant difference compared to the general population growth of 40% and 56% for Arizona and Yavapai County, respectively. Clearly, courts in Arizona need to consider this historical data and the urging of noted professionals, such as Professor Dueñas González. Additionally, courts should immediately begin to improve the provision of quality court interpreter services, if such efforts have not already begun. No data or information was found to show any slowing in the demand for these services is anticipated.

National Improvement Efforts

Many states have examined how to respond to the lack of qualified court interpreters to meet the needs of an increasing non-English speaking population. State and local budget constraints have heightened awareness and increased the need to study when and how court interpreter services are provided. According to Roseann Dueñas González, and her colleagues, Victoria F. Vásquez, and Holly Mikkelsen, “Court interpretation is the fastest growing field of specialization in translation and interpretation inside and outside the United States” (15). States such as Wisconsin, Minnesota and Arizona have established committees to determine needs for interpreter services, evaluate existing and best practices, and make recommendations for legislative and operational improvements.

Consortium for State Court Interpreter Certification

The Consortium for State Court Interpreter Certification was created by the National Center for State Courts and four founding states (Minnesota, New Jersey, Oregon and Washington) in 1995. It was created to develop much-needed court interpreter expertise and resources, by creating standards and tests, and providing a forum for the exchange of information and test instruments. In his October 30, 1998 final report, William E. Hewitt, Project Director of the National Center for State Courts’ consulting project at the Administrative Office of the U.S. Courts, Court Interpreting Services in State and Federal Courts: Reasons and Options for Inter-Court Coordination, described the Consortium as, “...a mechanism through which funds from several sources are combined under a single umbrella, administered jointly by the member states, to achieve economies of scale across jurisdictional and organizational

boundaries,” (vii). Consortium membership included fifteen states in October 1998, and with Ohio joining in 2003, has risen to thirty states (Court Interpreting, Consortium Member States).

Improvements in Wisconsin

The Committee to Improve Interpreting and Translation in the Wisconsin Courts submitted the Report to the Director of State Courts in October 2000. The Committee proposed Wisconsin courts follow the lead of other courts in adopting the model for providing interpreter services recommended by the National Center for State Courts. This model shifts the planning for interpreter services and costs from counties to state programs and budgets. At the time, Minnesota was making the transition and at least seven other states had already done so. According to the Committee’s Report to the Director of State Courts:

They shift to state funding for several reasons: to meet the supreme court’s statewide responsibility to provide equal access to the courts, to equalize costs and services across the state, to remove any economic disincentive to use interpreters where needed, and to avoid the sense that interpreter use is just another unfunded state mandate imposed by a centralized system that doesn’t understand local problems (23).

The Committee to Improve Interpreting and Translation found an urgent need to provide qualified interpreters in Wisconsin courts, due to increased linguistic diversity, lack of qualified interpreters, and funding constraints. Some courts reportedly were proceeding with unqualified interpreters or no interpreter at all, posing a number of problems. The Committee’s report states, “The Wisconsin Supreme Court has said that

‘the right to an interpreter is fundamentally a right which safeguards the fairness of the process,’ holding that interpreters must be appointed for criminal defendants in the interests of fair treatment and effective assistance of counsel” (5). Based on this decision, specific legislative, programmatic and funding recommendations were made to address these issues:

- Denial of access to court proceedings, as lack of interpreting services prevents people from using the courts to meet obligations and resolve disputes;
- Loss of accountability, as misinterpretations can misconstrue facts; and
- Conflict of interest, as an untrained interpreter associated with the party may offer advice, make decisions on behalf of the party or summarize proceedings without the knowledge of the judge or party.

At the time of the Committee’s report, courts in Wisconsin provided interpreters as county funding allowed, primarily in criminal cases. “To improve court access to non-English speakers...the Committee recommended the Wisconsin Legislature...significantly expand the court interpreter statute and provide the funding needed for interpreter appointment” (6). Proposed statutory amendments included a requirement for courts to appoint interpreters for all parties, victims, and witnesses while testifying in all types of court proceedings, civil and criminal, without requiring that the participant be indigent (6). The Committee also recommended, “The overall appropriation for interpreter services and the reimbursement rate to counties should be greatly increased, so that there is no financial disincentive to appoint qualified interpreters” (15).

According to the Report to the Director of State Courts in October 2000, the results of the Committee's survey revealed the average rate paid for freelance and staff interpreter services in Wisconsin was approximately \$40.00 per hour (24). This rate was consistent with the average compensation of certified interpreters in other states (25). The rate of reimbursement by the State of Wisconsin was \$35.00 per half day plus mileage for circuit courts and \$10.00 per half day for municipal courts (13). According to the Committee to Improve Interpreting & Translation in the Wisconsin Courts,

The counties are also responsible for any amount paid in excess of \$35.00 per half day. This rate was set in 1987 and does not reflect what counties must actually pay to get an interpreter to work for the court. As a result, counties currently pay about two-thirds of the cost of providing interpreter services.” (13)

The State of Wisconsin pays the remaining approximate one-third (13).

The Committee also recommended the establishment of an interpreter program in the office of the director of state court to coordinate a certified training and testing program for all Wisconsin courts (25). This centralized service would have a variety of potential benefits for the interpreters, public, courts and funding authorities. In addition to expanding the availability of training, this coordinated effort at the state level would provide:

- An expanded pool of qualified interpreters
- Improved distribution of interpreters to make them available and affordable
- Proper oversight of interpreter work in court (8).

This was not the only Committee to make a recommendation to establish a coordinated interpreter program at the state level. Improvement efforts in Minnesota and Arizona are described below, and advisory committees in these states also recognized the value of such a centralized system.

Improvements in Minnesota

Minnesota also embarked upon an effort to improve access to and the quality of court interpreter services. According to the Best Practices Manual on Interpreters in the Minnesota State Court System, published in May 1999, the Minnesota Supreme Court Task Force on Racial Bias in the Judicial System Final Report May 1993 included the following findings:

- Citizens with limited English-speaking skills have the same rights and protections as any other citizen involved in the court system in either civil or criminal matters.
- Federal and state laws make clear the belief that accurate, high-quality translation (interpretation) is a fundamental requisite of due process.
- In Minnesota, notwithstanding the existence of a strong statute governing the management of this issue...there is much to be done and a long way to go before full compliance with existing law can be achieved.
- This extremely important fundamental issue has been allowed to become a “step child” of the justice system; understudied, under funded, and in terms of its ultimate impact, little understood. (2)

The findings of this Task Force prompted the Minnesota Supreme Court to establish an Interpreter Advisory Committee in 1994 and the Court Interpreter Training

and Certification Program funded by the legislature (2). According to Roberta Cordano's 1997 article in Bench & Bar of Minnesota, entitled "Jus Comprehendii: Access to Justice for Non-English Speakers," the formation of the Interpreter Advisory Committee "...coincided with Minnesota becoming one of the founding members of the State Court Interpreter Certification Consortium..." (26).

The Interpreter Advisory Committee conducted an in-depth evaluation of interpreter services and published the Best Practices Manual on Interpreters in the Minnesota State Court System in May 1999. The Manual sets forth rules and procedures governing the certification and appointment of court interpreters, and information to assist judges and court personnel in meeting the needs of people who do not speak or understand English. It also includes policies for coordinating services, interpreting over the telephone, compensation and expense rates.

Recommendations of the Interpreter Advisory Committee resulted in the creation of rules of practice for district courts, as well as a code of professional responsibility and certification rules for court interpreters. The Advisory Committee's work, "...has been greatly assisted by the creation of a full-time Statewide Court Interpreter position in the State Court Administrator's office with funding from the Legislature," according to Roberta Cordano (26-27). Minnesota Courts and citizens benefit from the coordinated effort to improve training, testing, competency, and the availability of qualified interpreters.

The Best Practices Manual states, "The Office of State Court Administration maintains and publishes a Statewide Roster of Court Interpreters eligible to work in the

state court system” (2). Interpreters are provided in civil and criminal proceedings, as well as family court and traffic court.

Maximum rates for interpreter coordinating services, telephone interpreting in emergencies, and hourly rates of compensation are set forth in a policy in the Best Practices Manual to facilitate the effective management of budgets and expenses. In 1999, the policy included a maximum rate of \$20 per hour for coordinating services provided by certified court interpreters on behalf of a Court Administrator’s office. The policy permitted Minnesota certified court interpreters to interpret over the telephone for emergencies, at a rate of \$2 per minute (K-1). “The AT&T Language Line should only be used as a last resort” (K-1).

According to the Minnesota Best Practices Manual, the maximum rate for certified court interpreters in 1999 was \$50 for the first hour, \$40 for each subsequent hour, and \$30 per hour travel time (K-2). Non-certified court interpreters were paid a maximum rate of \$40 for the first hour, \$30 for each subsequent hour, and \$20 per hour travel time (K-2).

The Minnesota Best Practices Manual also states costs are paid from the Court Administrator’s budget only for court proceedings, and interpreter services provided to public defenders, prosecutors or probation are paid by their respective budgets (K-2). “In certain civil cases...the court may direct one or more of the parties to pay for the cost of the interpreter” (K-3).

According to the Best Practices Manual on Interpreters in the Minnesota State Court System, benefits of a Court Interpreter Training and Certification Program funded by the Minnesota legislature include:

- Equal access to justice, regardless of the court providing interpreter services (2)
- Guidance for the courts in hiring court interpreters (23)
- A code of professional responsibility for interpreters (D1-8)
- Certification rules for court interpreters (E1-7)
- Screening standards used by court administrators to determine initial qualifications of court interpreters (G1-3)
- Standardized policies and procedures for interpreter services (K1-3)

Improvements in Arizona

Unlike Wisconsin and Minnesota, Arizona lacks a coordinated interpreter program. Larger courts have broader interpreter program elements, seemingly greater funding, and different demands for services than smaller courts. There have been initiatives to improve court interpreting on a local and statewide level, some of which are referenced below.

Sarah Shew, a former Administrator in the Superior Court in Maricopa County, Arizona, conducted a study and prepared a report dated April 30, 1993 entitled Program Evaluation, Office of the Court Interpreter, Superior Court in Maricopa County. Ms. Shew's report states the goal of her evaluation project "...is to measure how effectively the OCI's [Office of the Court Interpreter] court interpreter service eliminates the language barrier in criminal cases in Maricopa County Superior Court" (2). In order to measure effectiveness, Ms. Shew evaluated "...the accuracy, timeliness and cost of interpreter service provided by the Superior Court of Arizona in Maricopa County..." (1).

The circumstances in which an interpreter may be appointed are extensive. Ms. Shew reports, “The OCI provides court interpreters for any matter before the Maricopa County Superior Court upon the Court’s order of appointment – for court proceedings, defense, or witness” (4).

Included in the appendices of Ms. Shew’s report is a February 11, 1992 memo signed by C. Kimball Rose, Presiding Judge of the Superior Court in Maricopa County at the time, and Gordon M. Griller, then Court Administrator. This memo adopted policies, procedures and practices dated January 1992 for the Office of the Court Interpreter in Maricopa County. In December 2003, a telephone conversation with Raul A. Ramon, Manager of Court Interpreter Services in Maricopa County, confirmed that while these 1992 policies are being updated, the Office of the Court Administrator continues to use them.

Section VIII of the Policies, Procedures and Practices Governing the Operation of the Office of the Court Interpreter in Maricopa County states:

OCI provides interpreters for the following for contacts occurring outside court which arise out of Superior Court cases, including

Juvenile/Dependency:

Juvenile Probation Office;

Department of Economic Security;

Office of the City Attorney in lower court appeals;

Office of the County Attorney;

Office of the Public Defender;

Office of the Attorney General;

Adult Probation Office;

All contract defense counsel;

Private counsel in criminal causes to which OCI has been appointed;

Private agencies with which the Court contracts;

Conciliation Services; and

Private counsel in civil causes in which arbitration or mediation has been agreed to. (8)

More recently in Maricopa County, Arizona, “There has been an increased merger of Superior and Justice Courts Administrations, especially in the area of court security, statistical reporting, budgets, and interpreter services,” according to a September 11, 2003 memo from Brian Karth, Maricopa County Limited Jurisdiction Court Administrator, to a Judicial Oversight Committee (1). There are 23 Justice of the Peace precincts in Maricopa County and Mr. Karth has administrative responsibility for all of them.

Mr. Karth’s September 11, 2003 memo outlining accomplishments for March 2003 through August 2003, states “The interpreter project has transitioned from an ad hoc contract on an as-needed basis to a professional staff-interpreter model. Contract interpreters used in the past had minimal professional interpreter skills and were merely persons that spoke a language other than English” (2). Mr. Karth goes on to say, “The court staff interpreter model has substantially improved the quality of interpretation services provided to litigants” (2). The following were noted as benefits:

- Screening is performed before assuming responsibilities.
- Court interpreters are bound by a strict code of ethics and standards.

- Interpreters are trained professionals that receive on-going training.
- Interpreter matters are grouped together to make efficient use of resources.
- The staff interpreter model has been proven to be more cost effective than a per diem model. During fiscal year 2002, \$262,000 was expended for contract interpreter services versus \$156,000 for the staff interpreters. (2)

The experience reported by Mr. Karth is important to this research project because it demonstrates the value of a coordinated effort for multiple entities, in this case 23 Justice of the Peace precincts. It also shows Maricopa County found it to be beneficial, in terms of cost effectiveness, efficiency and quality, to replace contract interpreter services with staff interpreters.

There have also been recent comprehensive efforts to make improvements in interpreting for all courts in Arizona. In March 2002, an ad hoc group, the Arizona Minority Judges Caucus, Interpreter Issues Committee, presented a report of their work-to-date, State of Arizona Interpreter Need and Practice: Study and Recommendations 2001-2002, to the Arizona Judicial Council. The report presents a preliminary review of needs and practices in Arizona courts. The Interpreter Issues Committee found some of the larger metropolitan-area courts had adopted policies and procedures governing recruitment, training, compensation and administration, but the majority of the courts had limited or no systems to manage interpreter services. The Committee compared the lack of a systematic and coordinated approach to providing interpreter services in Arizona with other states, and reported:

This situation contrasts with that found in California, New Mexico, and Texas – other border states with similar demographics. These states have recognized the need to improve their language services and have established state judiciary interpreter certification. California, for example, passed legislation in 1993 to meet this need. The actions of these states can only serve to highlight the inadequacy of Arizona's response. (9)

The Committee recommended the Arizona Supreme Court create an Arizona Judiciary Interpreter Commission, and another committee subsequently made this same recommendation. According to the Interpreter Issues Committee report, an Interpreter Commission would consider and provide direction on a number of interpreter issues, including “when and under what circumstances an interpreter is required” (25).

Currently, courts in Arizona rely upon the U.S. Constitution, Arizona Revised Statutes (A.R.S.) and Arizona Rules of Civil Procedure as the governing authorities to provide interpreters. There is only one section in the A.R.S. pertaining to interpreters, other than interpreters for deaf persons. A.R.S. Title 12, Article 5, Section 241, which was created by the legislature in 1955, states, “The court may when necessary appoint interpreters, who may be summoned in the same manner as witnesses, and shall be subject to the same penalties for disobedience” (781). This leaves full discretion to the court in determining when it is “necessary” to appoint interpreters.

Rule 43(c) of the Arizona Rules of Civil Procedure allow courts to appoint interpreters in civil cases, but does not require it. Rule 43(c) states:

The court may appoint an interpreter of its own selection and may fix the interpreter's reasonable compensation. The compensation shall be paid

out of funds provided by law or by one or more of the parties as the court may direct, and may be taxed ultimately as costs, in the discretion of the court. (99)

Simply authorizing the courts to appoint interpreters in civil cases does not go far enough from the standpoint of the Interpreter Issues Committee. They described a “worst case scenario” in their report to the Arizona Judicial Council:

...when not allowing for an interpreter, a judge announced that since the matter was civil in nature an interpreter was not mandated by the rules of court. While technically, the judge is correct in this statement of Arizona law, it does not instill confidence that individual rights are being protected and that all appearing in Arizona courts are being treated fairly. It does not install “the public’s trust in the court system”; on the contrary, it erodes it. (9)

The Interpreters Issues Committee reported a need to increase the availability of competent court interpreters in Arizona and to establish a structured program to address the anticipated increase in demand for such services. “One viable solution is the development of a comprehensive training and certification program for judicial interpreters to be administered by a new Supreme Court Office of Judiciary Interpreter Practice” (9-10). Like similar efforts in Wisconsin and Minnesota, this coordinated program would establish training as well as minimum qualifications and compensation for the benefit of all courts in Arizona.

The Arizona Minority Judges Caucus, Interpreter Issues Committee conducted a survey of interpreter wages in 2001 and the results indicate a great disparity in

compensation, varying by court jurisdiction and location. According to the Committee's report, only 5 of 15 counties provided information on compensation paid by the Superior Court. One county reported the Superior Court uses bilingual staff to meet interpreter needs. Survey results indicate respondents reported paying \$45 to \$75 for the first hour and daily rates ranging from \$100 to \$195 (28, Appendix C, page c). The report does not differentiate salaried employees from freelance or contract interpreters.

After the ad hoc Interpreter Issues Committee reported to the Arizona Judicial Council, the Arizona Supreme Court established the Committee to Study Interpreter Issues in the Arizona Courts to serve as an advisory committee to the Council. The October 2002 Report to the Arizona Judicial Council on Interpreter Issues in Arizona Courts, indicates the Committee to Study Interpreter Issues in Arizona Courts was charged with three main objectives:

- Review the Interpreter Need and Practice: Study and Recommendations 2001-2002 report prepared by the Arizona Minority Judges Caucus, Interpreter Issues Committee;
- Consider how to increase the availability and quality of language interpreting in Arizona courts; and
- Develop recommendations on funding needs, a strategy to secure needed funding and any additional legislative, policy and court rule changes needed, by December 31, 2003. (4)

According to the Committee to Study Interpreter Issues in Arizona Courts' report, several subcommittees researched and developed strategies to meet the set objectives. Review of 2000 U. S. Census population data, indicated nearly 1.3 million or 25% of

Arizona's 5.1 million population was Hispanic, "...making Spanish, by far, the predominant foreign language spoken in the state among non-English speakers" (7).

Like the ad hoc committee, the Committee to Study Interpreter Issues in the Arizona Courts found some courts in Arizona had court interpreter programs and funding to recruit, train and test court interpreters but there was no consistency in the provision of services. Their report also includes a recommendation to establish "...a comprehensive, system-wide response to practices governing court interpreters used by Arizona Courts" (9).

The Committee to Study Court Interpreter Issues in Arizona Courts recommended limiting the use of telephonic interpreter services to emergency situations, which is consistent with recommendations of the Interpreter Advisory Committee in Minnesota. The use of live in-person interpreters is encouraged for all cases (11-12).

The Committee's October 2002 report included recommended procedures to allow for a party to waive interpreter services. "A limited English-speaking participant may at any point in the proceeding waive the services of an interpreter. The waiver of the interpreter's services must be knowing and voluntary, and with the approval of the court. Granting such waiver is a matter of judicial discretion" (12).

Other recommendations made to the Arizona Judicial Council included the creation of a certified court interpreter program to be administered by the Arizona Supreme Court. The program would include "...training, testing, performance standards and a code of ethics to ensure that all interpreters working in Arizona courts are fully qualified so that all participants in court matters are provided full and equal access to

justice” (5). Like the ad hoc committee, the Committee to Study Interpreter Issues in Arizona Courts also proposed the creation of the Commission on Judicial Interpreters to oversee the certification program (5). The Committee also drafted legislation to create the court interpreter certification program, administrative rules and code of ethics.

Funding was of great concern, given the poor state of the economy in Arizona. The Committee found other states started interpreter programs using a variety of funding sources, including federal and private grants, as well as State appropriations. “However, recognizing the necessity of interpreters in providing access to justice and in aiding due process rights for all court users, the recommendation is that the Supreme Court should make this a priority and make available the start-up costs from the court budget for...” an estimated \$135,000 in start-up costs and \$110,000 in annual ongoing expenses (32-33). While the Arizona Judicial Council was supportive of the Committee’s recommendations to improve court interpreter services, the method for making improvements either through a State certification program or participating in the Consortium for State Court Interpreter Certification, both initiatives were reliant upon funds that simply were not available in the Arizona Supreme Court budget. It was recommended funding alternatives be researched. The Committee to Study Interpreter Issues in the Arizona Courts having met its objectives was disbanded in January 2003 and another Committee on funding was created.

In January 2003, the Arizona Supreme Court established the Arizona Court Interpreter Funding Committee to define funding needs and develop sources for an Arizona Court Interpreter program. The Committee provides periodic reports to the Arizona Judicial Council and has a termination date of December 31, 2003. This

Committee plans to apply for grants, but anticipates the lack of matching local funds to be an issue. There is some concern that without dedicated funding, court interpreter improvement efforts that are long overdue in Arizona will continue to be delayed.

Creating a certified court interpreter program administered by the Arizona Supreme Court would provide similar benefits experienced by the states of Wisconsin, Minnesota, and other states. In summary, the benefits cited in reports by the Committee to Improve Interpreting and Translation in the Wisconsin Courts (5, 7, 8 and 11), Minnesota Supreme Court Interpreter Advisory Committee (2, 23, D1-D8, G1-G3 and K1-K3), and Committee to Study Interpreter Issues in Arizona Courts (5, 6, 9, 15-19, and 28-31) would include:

- Equal access to justice
- Training and testing for court interpreters
- An expanded pool of qualified interpreters
- Improved distribution of interpreters to make them available and affordable
- Proper oversight of interpreter work
- Guidance for the courts in screening and hiring court interpreters
- Performance standards, a code of professional responsibility and code of ethics for interpreters
- Standardized policies and procedures for interpreter services.

Regional Collaboration

The literature indicates courts with the best ability to provide quality interpreter services in the most efficient manner are courts that pool resources, either at the local, statewide or national level. In 2003, an issue of The Court Manager, a widely

distributed journal for court administrators, focused on “Essential Components” that greatly impact court performance and quality of justice (30). One of the articles regarded interpreters as an essential supporting function to the court in its most fundamental role of adjudicating cases. Not only should courts, “...establish and maintain a program that provides qualified interpreters when required”, but the article also emphasizes the need for court leaders to pool resources (34-35). Court leaders have an obligation to, “...create needed collaborative partnerships among courts, ancillary programs, community services, non-profits, and legislative and executive branch agencies at the state and local level” (35). Various state efforts have been discussed and the researcher will conclude with references on other types of resource pooling opportunities.

Four Corners Consortium for Telephonic Court Interpreting

In November 2000, the New Mexico Administrative Office of the Courts received a grant from the State Justice Institute to conduct a pilot project on court interpreting in the Four Corner States. This regional consortium included the states of New Mexico, Colorado, Utah and Arizona. According to the Final Report by Donald J. Clark, Project Manager, “The project was set up and became operational on January 1, 2002, and ran for seven months before being closed down in August 2002” (5).

Mr. Clark’s Final Report, which is based on a project evaluation conducted by Karen Gottlieb, PhD JD, Court Consultant, describes the goal of the project as a feasibility test of “...remotely providing simultaneous interpreting services to the courts of the American southwest using the telephones and technology developed for the federal court system...” (1). Only four courts in two states, New Mexico and Utah,

ended up participating in the pilot project. Courts in both states intended to use the remote interpreter services more often, but due to cancelled hearings New Mexico actually used the system only four times and Utah used it once. The limited participation contributed insufficient data and only anecdotal information on the "...viability of the technology and the feasibility of continuing or expanding the system to more courts in the region," but Mr. Clark reported, "...the experience did provide insight into the conditions necessary for making such a project succeed" (1).

Dr. Gottlieb's independent evaluation report of the project summarizes the success of the project in this way:

Positive aspects of the pilot project include positive, encouraging comments to continue the project from the New Mexican judges who experimented with the system; the adoption of a web-based scheduling calendar; enthusiastic comments about the acoustic quality of the interpreting, appreciation by the users of the transparency of the telephonic simultaneous mode of interpreting, and cooperation between the federal telephonic court interpreters and the project manager.

Barriers to the success of the pilot project include a shortened time frame, the perception on the part of some local courts that there was no need for certified interpreters, reluctance of the court staff to try something new if the old way appears to work, and the need for on-demand, rather than scheduled interpreting. (1)

Key accomplishments and lessons learned in this project from Mr. Clark's perspective include confirmation, "...that the existing technology for telephonic

interpreting in simultaneous mode is a reasonable and very cost effective alternative to bringing in interpreters from far away locations, and is much preferred to using non-certified interpreters or unqualified court personnel” (2). Mr. Clark concedes the project would have been more successful if the participating courts had certain characteristics. He reports, “The appropriate court for a telephonic interpreting project is one that does not have a resident, certified interpreter (in Spanish) and consequently is probably relatively rural, isolated and therefore incapable of providing enough work for any interpreter to earn a living” (6).

Mr. Clark describes the difficulties of maintaining a pool of qualified interpreters. Since the number of participating courts was so limited, there was not enough work for interpreters to be inclined to make themselves exclusively available to the project. According to Mr. Clark, “Experienced federally certified telephone interpreters based in Las Cruces [New Mexico] were reluctant to get involved in a project which paid so little [\$30] compared to the federal system rates of \$160 per half day, \$305 per full day” (6-7).

The most successful part of the project was web-based interpreter scheduling, according to Mr. Clark. Participating courts entered their requests for an interpreter on a calendar on the Internet, the request was distributed to interpreters and other courts, and the interpreters responded directly to these requests (7).

The federal court system successfully relies upon telephonic interpreting and Mr. Clark believed the pilot project had great potential for demonstrating the utility and functionality of the same technology (7). California was conducting a similar pilot project in twenty courts and the characteristics of the project seemed to foster more

meaningful results. Mr. Clark states, “Apparently in a single state situation such as California, where the large cities in the populous south are providing interpreting services via phone to the rural and scarcely populated towns of the north, presents a more manageable, simplified and centralized framework compared with a regional consortium with unclear lines of authority like the project under consideration” (7). Mr. Clark concludes by stating, “Even in New Mexico, despite the presence of a project manager who succeeded in expanding the system to three locations, who took care to select the most appropriate courts, and who attempted to influence the judges and administrators to make greater use of the system, the project failed when one looks at the amount of usage by the participants” (7-8).

Local Collaboration

Whether courts participate in a national or regional consortium or coordinate their own statewide or local effort, clearly resources can be maximized and the quality of service heightened through collaboration. In Court Interpretation: Model Guides for Policy and Practice in the State Courts, William E. Hewitt urges courts “...to explore opportunities to pool expertise and share resources at local, state and interstate levels” (237). While courts in metropolitan areas may have sufficient combined need to warrant establishing a professionally staffed local office, courts in more rural areas may not. For these courts, Mr. Hewitt recommends, “...inter-county service contracts or state-funded programs in which counties can participate” (239).

In a telephone interview, Mr. Hewitt made several recommendations on reasonable and cost-effective alternatives to consider in improving services, including trying to establish a centralized interpreter service that everyone in the justice system

would call upon when interpreter services are needed (Hewitt, 2 Sept. 2003). This service would be available to the courts and criminal justice departments and agencies that currently receive these services, which include the Superior Court, Juvenile Court, Adult Probation Department, Justice Courts, and Public Defender, but it would also potentially include others, such as Municipal Courts and the County Attorney. Mr. Hewitt suggested consideration be given to allowing non-justice system agencies to use these services as well, if this demand did not diminish the availability of qualified interpreters for the courts. Participating entities would share the expense of these services either based on usage or some other agreed-upon cost-sharing distribution method. Mr. Hewitt explained the variety of benefits of centralizing these services and pooling resources.

First, it would increase the volume of work available so the interpreters can earn a consistent salary. Currently, there is an inconsistent need for services. Increasing the number of entities using the services would naturally increase demand and level the workloads.

Centralizing the services would also allow the Superior Court in Yavapai County to create a roster of qualified interpreters that would not otherwise be available. Pooling resources would help to retain the quality interpreters currently on the Superior Court payroll and help in the recruitment of additional competent interpreters. Theoretically, interpreters would be more inclined to make themselves available if they expect to be called upon to work on a more frequent basis. Mr. Hewitt described the establishment of a coordinated system with multiple service recipients as an “anchor” for qualified interpreting services.

This concept also would facilitate more efficient use of telephone interpreting. Telephonic interpreting by Superior Court Interpreters could be scheduled to fill in voids in the assignment of the qualified interpreters. Mr. Hewitt explained this would allow local entities to use court interpreters previously identified as qualified to do telephonic interpreting and minimize the use of outside agencies for this function. Interpreter resources would be better utilized as down time between assignments would be reduced, potentially allowing more work to be accomplished without increasing expenses.

Conclusion

This project is focused on systems used by states and counties to provide Court Interpreter services, so the research on interpreter services in the federal court system was intentionally limited. The differences in organization and funding structures were considered significant enough to warrant concentration of the research on interpreter services provided by state courts.

Review of practices in Wisconsin, Minnesota and Arizona revealed a variety of compensation structures for Court Interpreters.

- Wisconsin, October 2000: \$40 per hour (Committee to Improve Interpreting and Translation in the Wisconsin Courts, 24).
- Minnesota, 1999: certified -- \$50 first hour, \$40 each subsequent hour, \$30 per hour travel; non-certified -- \$40 first hour, \$30 each subsequent hour, \$20 per hour travel (Minnesota Supreme Court Advisory Committee, K-2),

- Arizona, 2001: \$45 to \$75 per hour, daily rates \$100 to \$195 (Arizona Minority Judges Caucus, Interpreter Issues Committee, 28, Appendix C, page c).

Court Interpreter certification programs promote equal access to justice by standardizing the provision of services through training and testing. Such programs include performance standards, and codes of professional responsibility and ethics, to ensure quality interpreting, regardless of where services are provided. Statewide, regional and local collaboration allows courts to pool resources, minimize costs and maximize the availability of qualified interpreters.

“The goal of a court interpreter is to enable the judge and jury to react in the same manner to a non-English-speaking witness as they do with one who speaks English,” according to Professor González (17). The constitutional provisions, legislation, case law and local rules provide direction on the fundamental rights to an Interpreter, but in general, funding agencies have control over the availability of funds and courts have discretion on how and to what extent services are provided.

Many courts and states have made great strides in expanding resources to improve the quality of services available in a greater array of cases and settings, but there is still much work to be done. The progress not only provides greater access to justice and fairness, but also when court leaders manage these and other “Essential Components” well it also promotes “...court performance excellence and help[s] maintain and improve public trust and confidence in the judiciary” (The Court Manager, 32).

METHODOLOGY

The research design for this project included two types of data collection instruments. Charts were used to record data from source documents and questionnaires were designed to interview four unique populations, individuals who:

- Coordinate Court Interpreter services for the Superior Court of Arizona, in 11 of 15 counties.
- Coordinate Court Interpreter services for the District Courts in New Mexico and Colorado.
- Receive Court Interpreter services provided by the Superior Court in Yavapai County, Arizona.
- Provide Court Interpreter services through the Superior Court in Yavapai County, Arizona.

The most important aspect of sampling is how well the findings represent the population. Sampling decisions were made accordingly. There is a high degree of confidence the sampling techniques used provide a fair representation of the population being studied.

Information was collected on-site at the Yavapai County Courthouse in Prescott, Arizona, through the recording of primary data from source documents, as well as personal and telephonic interviews. Data collection began November 14, 2003 with the interview of each of the five Justices of the Peace and concluded December 23, 2003 with the interview of a District Court Administrator in Colorado. Research design, data collection and the process used to pretest research instruments is included in detail below.

Primary Data Collection

Primary data on the usage of Spanish-speaking Court Interpreters in Yavapai County was collected from timesheets, invoices and payroll records for three full fiscal years (July 1 through June 30), FY2000/01, 2001/02, and 2002/03 and for FY2003/04-to-date (July 1, 2003 through November 17, 2003). This sampling timeframe was selected because 2000/01 was when interpreter usage and cost data were first maintained. These statistics were chosen because they represent the most current usage and cost information from which to forecast future potential needs and costs.

Data was summarized and recorded on a chart showing by Court Interpreter and year, hours worked and compensation paid (Appendix 2). Compensation represents the pre-tax amount paid to Spanish-speaking Court Interpreter employees and does not include costs paid by the County to match withholding taxes. The Court or department receiving the Spanish Court Interpreter services was identified starting with FY2001/02. This detail was not available for FY2000/01 so only compensation information was included for this year. Actual data for FY2003/04-to-date was extrapolated to project total Spanish Court Interpreter hours worked and compensation for a full fiscal year.

Each of the four Spanish-speaking Court Interpreters on the Superior Court payroll were designated a letter, A-D, so data is easily presented without using names. Interpreters identified by letters A-C were the same for all years included in this study. Interpreter D represents three different Interpreters who provided Spanish interpreting services FY2000/01 through FY2003/04. Each Interpreter included in "D" provided supplemental services to those provided by Court Interpreters designated A-C who worked for the Court consistently over the entire period being researched.

Primary data on usage of Language Line Services, a telephonic interpreter service, was collected for FY2000/01 through FY2003/04-to-date. These statistics were gathered to determine changes, if any, in the utilization of these services since the courts began using this service. Information from invoices paid by the Finance Department was collected and recorded by month to show the court or court department using the service, the duration the service was used and the associated cost. This information was recorded on a chart (Appendix 3).

In addition to these verifiable costs, there were overhead costs for administration and travel. The Court Services Coordinator spends time virtually daily on interpreter services, scheduling interpreters, answering phone calls, processing invoices and timesheets, and generally overseeing the provision of services. The Court Administration Secretary also handles phone calls, and makes copies and files court interpreter invoices and timesheets, and the Court Administrator and other personnel spend time on interpreter issues in the absence of the Court Services Coordinator. Additionally, interpreters sometimes use county vehicles to travel to assignments. These overhead costs are not known for Yavapai County and other counties do not track these costs. Since comparison was not possible, the costs were not estimated.

Interviews

Four different interviews were conducted by telephone or in person. This method was preferred over surveys because it was anticipated the direct contact would result in a better response rate. Additionally, interviews allow for interaction and follow up questions if necessary, where surveys are static and may unnecessarily limit the potential value of information collected. This process was more time-consuming than

distributing surveys, but the intended result was more meaningful information.

Questionnaires were drafted and pre-tested before interviews were conducted.

Pretest of Data Collection Instruments

All of the data collection instruments were pretested to determine whether the data collection plan for this research project would be an appropriate procedure. The instruments were pretested from September 18, 2003 through September 29, 2003. The charts used in appendices 2 and 3 were pretested by drafting the charts and writing in a sample of the available data.

The original chart in Appendix 2 only included the two full fiscal years, FY2001/02 and FY2002/03. During pretesting, compensation information was discovered for FY2000/01, so the chart was expanded to include another year. The chart was also modified to include data for FY2003/04-to-date so as much actual data as possible could be considered. This resulted in 4½ months of data (July 1, 2003 – November 17, 2003) being added. This data was extrapolated to project Court Interpreter work and compensation for a full fiscal year.

Although freelance Spanish-speaking Court Interpreters were not used in the past three fiscal years, freelance services were retained in FY2003/04 due to the unexpected availability of on-call employee interpreters. The researcher updated the chart in Appendix 2 to include cost information for Freelance Spanish Interpreters.

The chart of Language Line Services for Spanish Interpreters, Appendix 3, originally did not include FY2000/01. After adding FY2000/01 compensation data to the chart in Appendix 2, FY2000/01 was added to the Language Line Services for Spanish Interpreters chart in Appendix 3. The heading of the column to record the amount of

time, by month, that Language Line Services were used originally was entitled “Hours”. When data was recorded in the pretest, it became apparent these services are billed by the minute. The heading on the “Hours” column was subsequently changed to “Minutes”.

The four interview questionnaires were also pretested to check the data collection form to minimize errors due to improper design elements, such as question wording and sequence. First, there was a decision as to what information would be useful from each of the four interview groups and questions were drafted to obtain that information. During this process, survey instruments used in previous Court Executive Development Program research projects were reviewed. Survey instruments designed and used by Sarah Shew, formerly a Superior Court Administrator in Maricopa County, Arizona, in her April 30, 1993 report on Program Evaluation, Office of the Court Interpreter, Superior Court in Maricopa County, were especially helpful to this research project. Questions related to timeliness and quality of services in Questionnaire #3, Appendix 6, were drafted as a result of review of Ms. Shew’s surveys. Ms. Shew’s survey instruments also prompted ideas on how to word questions to get the desired information without leading respondents to specific answers.

Respected colleagues were called upon to pretest the four interview questionnaires. Their input was relied upon to improve these research instruments. Individuals who provided valuable assistance in the pretest process include current or former Court personnel in Arizona, South Dakota, Minnesota and New Mexico. A total of five people assisted in the pretest of the interview questionnaires and planned procedure.

During the pretest process, it was suggested population data be retrieved from the U.S. Census Bureau website prior to conducting interviews. This advice was followed and population data was recorded on Questionnaires #1 and #2 in advance of interviews. Information on modifications made to the interview process and specific interview questionnaires are described below.

During the pretest process, there was a referral to staff at the Arizona Supreme Court, Administrative Office of the Courts, who provides administrative support to a committee working on court interpreter issues. This contact was made and a great deal of information from this source was incorporated in the Literature Review.

Interview Questionnaire #1 – Arizona Superior Court Administrators

The first questionnaire, Appendix 4, was designed for interviews with individuals designated by the Superior Court Administrator in each county in Arizona as the person responsible for coordinating interpreter services in that county. There are 15 counties in Arizona and by excluding Yavapai County from the sampling, there were 14 counties for potential information gathering. A sample size of 11 of these 14 counties in Arizona was established, for 79% of the available research population. It was predetermined interviews would not be conducted with 3 counties, Apache, Greenlee and Graham, as these are rural counties that are significantly smaller in population and not comparable to Yavapai County, which is currently a mid-sized county with a high population growth rate. By limiting the sample population to counties with needs and resources most similar to or greater than Yavapai County, the information obtained would be most relevant. A total of eleven counties were contacted for interviews.

Prior to the interviews, secondary data was collected, such as statistics on cases filed and population estimates, from the Arizona Supreme Court and U.S. Census Bureau respectively. Data on the total number of cases filed in FY2002/03 for each of the eleven Superior Court representatives interviewed was collected from the Arizona Supreme Court, Court Services Division. Year 2000 Census population data was obtained from the U.S. Census Bureau website. The intent was to keep interview time to a minimum and make it as easy as possible for quality information to be collected.

There were a total of 10 telephonic interviews conducted with individuals responsible for coordinating or providing Spanish-speaking Court Interpreter services for the Superior Court in each of the 11 sample counties. Interviewees were asked about Spanish-speaking Court Interpreter costs and usage (hours worked), methods used to provide and coordinate Interpreter services, and changes they would make if they had the opportunity to do so. The duration of interviews ranged from approximately 15 to 30 minutes each. All eleven questionnaires were completed, resulting in a 100% response rate.

As a result of pretesting, questions 3 and 4 were reversed to sequence the questions more logically for the interviewees. Also, an extra line was added to write notes after each question. The original wording in the questionnaire referred to the Superior Court paying for the Court Interpreter services. Verbiage related to cost sharing was changed to provide for responses from Courts that may have non-court entities paying for Court Interpreter expenses.

As a result of the pretest, juvenile delinquency, orders of protection and injunctions against harassment were added to the questionnaires as possible case

types, rather than only referring to criminal cases. A discussion during the pretest process resulted in the addition of question number 9 to ask whether the current method used to provide interpreter services had always been used and if not, what other techniques had been tried. It was thought knowing the pros and cons of previous methods used in other courts could be helpful in determining what may or may not work in Yavapai County.

Interview Questionnaire #2 – New Mexico and Colorado District Courts

The second questionnaire, Appendix 5, was created to interview District Court Administrators in New Mexico and Colorado. These states were chosen because they are adjacent to Arizona and seem to be most similar demographically to Arizona. This questionnaire included the same questions as those asked of the Arizona Superior Court Administrators. Population statistics for the year 2000 for both states, by county, were obtained from the U.S. Census Bureau website. Counties with population closest to or more than Yavapai County were identified for the sampling and potential contact.

The pretest of Interview Questionnaire #2 prompted a suggestion to contact the Administrative Office of the Courts in New Mexico and Colorado prior to contacting District Court Administrators. It was thought these states belong to the National Consortium for State Court Interpreter Certification, and if true, there would be a contact at the state level responsible for overseeing the interpreter program for all courts in the state. It was suggested data gathering would be easier and less time-consuming if there was a contact at the Administrative Office of the Courts who could provide information on behalf of all counties. These contacts were used.

Another recommendation made in the pretest of Questionnaire #2 was to ask for follow up information after question number 4 which asks how Spanish-speaking Interpreter services are coordinated. Question number 5 was added as a result of this suggestion. It asks interviewees to report who is responsible for identifying an Interpreter is needed and how far in advance notice is given to the individual coordinating the services.

General information about Interpreter services was located on the websites for the Administrative Office of the Courts (AOC) in New Mexico and Colorado. Contact was made with the Project Manager responsible for interpreter services at the New Mexico AOC to gather information for questionnaire #2. It quickly became apparent that most of the questions were not relevant since New Mexico participates in the National Consortium for State Court Interpreter Certification and there are statewide Interpreter compensation guidelines. The Project Manager provided information on compensation, certification, and how court interpreter services are retained and provided in New Mexico.

The AOC Project Manager in New Mexico referenced a certified contractor who provides and coordinates Spanish interpreter services for Dona Ana County, New Mexico. Dona Ana County, New Mexico, was identified as being similar in population to Yavapai County, Arizona, according to the 2000 Census information. The contractor was contacted and provided insight on how services are provided and public perception problems making it difficult to obtain funding necessary to establish staff interpreter positions. The interview questionnaire form was of little use as information on cost and data on volume of services was not available.

General information on Interpreter services in Colorado was reviewed from the State Court website and from the office of the State Court Administrator. General information about rates established by the State of Colorado and the certified Court Interpreter program were provided. Questionnaire #2 was also used to interview individuals in three District Court Administrator offices, selected according to U.S. Census population data.

Questionnaire #3 – Yavapai County Users of Spanish-Speaking Court Interpreters

A third questionnaire was developed, Appendix 6, to interview individuals currently receiving Spanish-speaking Court Interpreter services in Yavapai County, Arizona. The sample included 100% of the 5 Justices of the Peace, 100% of the 8 Superior Court Judges, and 1 representative from each of the following: indigent defense attorneys, Adult Probation Department, and Juvenile Court. This sample size of 16 was determined to be representative of the total population of Spanish-speaking Court Interpreter users in Yavapai County, as it encompasses all of the Judges who are the primary recipients of the services and a sampling of others who use the services on a more limited basis. Questions were asked to determine perceptions of satisfaction with current service delivery, receptiveness to potential alternatives, perceived needs, and ideas or suggestions for making improvements.

Pretesting of Interview Questionnaire #3 prompted a discussion about expanding the list of alternative interpreter service delivery methods that could be considered for future use in Yavapai County. The alternatives were retained as originally drafted, but a generic category of “Other” was added for additional alternatives that may be offered by interviewees.

The pretest of Questionnaire #3 also lead to a discussion on whether it would be important to know the reasons interpreters give when they are not timely and why there may be no advance notification of the need for an interpreter. Question number 3 was added to follow up on question number 2 as it was decided this could be helpful to determine what prevents Interpreters from being timely. Potentially, a resolution may be identified if the issues are known.

Questionnaire #4 – Yavapai County Service Providers

The fourth questionnaire, Appendix 7, was developed to interview current Spanish-speaking Court Interpreter service providers. Due to the small number, the entire population of service providers was included. All four part-time Spanish Court Interpreter employees and the Court Services Coordinator who coordinates Court Interpreter services in Yavapai County were interviewed. There was a 100% response rate. The Court Services Coordinator was included because she currently schedules and coordinates services, and provides administrative guidance and assistance to the Interpreters. There is only one position with this responsibility, so the results of including interview responses from the Court Services Coordinator with the responses from the Interpreters are representative of the service providers' perspectives of existing service delivery.

Questions specifically designed for the Spanish-speaking Court Interpreters to describe their current level of satisfaction were modified for the Court Services Coordinator to provide her perception of the Interpreters' level of satisfaction. It was important to know discrepancies, if any, in how Interpreters describe their satisfaction with the current volume of work and assignments, and the Coordinator's understanding

of the Interpreters' job satisfaction. Questions were also asked to determine the perception of the interviewees in terms of how the current system is working, views on potential alternatives for meeting future interpreter needs, and ideas or suggestions for making improvements.

The pretest of Interview Questionnaire #4 resulted in the addition of question number 4 to ask current Court Interpreters for their thoughts on how the Superior Court in Yavapai County can best meet future needs as population and demand for service increase. Unlike Questionnaire #3 which included a list of alternatives for the interviewees to respond as reasonable or unreasonable to consider, the question for the service providers was purposely left open ended. This approach intended to generate ideas from professionals in the field of court interpreting who may be aware of other ways services can be provided that users of the services may not know.

Defendants receiving court interpreter services were not interviewed. The defense attorneys are responsible for ensuring their clients understand the charges, their rights, and the legal process. The attorneys should know whether there is effective communication through the Court Interpreter. Including the defense attorney and Judges in the sampling was determined to be the best method of gaining information on the quality of interpreting currently provided and ideas to improve effective communication between clients, the attorneys and Court. The purpose of this research is to identify reasonable and cost-effective alternatives to improve Court Interpreter services, which will reduce costs and improve the delivery of services. Concern for the defendant's satisfaction with Court Interpreter services is secondary to the satisfaction of individuals responsible for ensuring justice is carried out.

Conclusion

The research design proved to be sound and resulted in the compilation of quality information from which to draw conclusions and make recommendations. The pretesting was valuable in improving the data collection instruments and process. Research findings are presented in the next section.

FINDINGS

The results of this research are described in this chapter. Findings from interviews and information gathered from Arizona will be presented first. Then information from Colorado and New Mexico will be presented. Next, information from users of Spanish-speaking Court Interpreter services in Yavapai County, Arizona will be reviewed. This section will conclude with a summary of findings from interviews conducted with personnel who provide Court Interpreter services in the Superior Court in Yavapai County.

Arizona Courts' Demographic Information

Demographic information was compiled for the Superior Court in each Arizona county. Table 3 includes, by county, information on population, cases filed and Judge positions in the Superior Court. U.S. Census 2000 population statistics, listed in descending order, were obtained from the U.S. Census Bureau website. The total number of cases filed in each county in FY2002/03 was compiled from the Superior Court Case Activity Report, FY2003, produced by the Arizona Supreme Court, Administrative Office of the Courts. The total number of Judge positions was determined by asking court personnel for this information during interviews and by a phone call to the Presiding Judges' offices in the three counties not interviewed.

The total number of Judge positions reflected in Table 3 includes part-time and full-time elected and appointed Judges, as well as Commissioners and Judge Pro Tempore who are compensated. It does not include volunteer judicial officers. The part-time positions were converted to reflect full-time equivalent positions. For example,

if Court personnel reported a 20-hour per week Judge, that was converted to .5 to reflect 50% of a full-time 40-hour per week position.

According to the U.S. Census Bureau 2000 population data and the Superior Court Case Activity Report, FY2003, Yavapai County is the fourth largest county in Arizona in terms of population. The Superior Court in Yavapai County is also the fourth largest in Arizona in terms of total cases filed in FY2002/03.

As can be seen in Table 2, Maricopa County, with the county seat of Phoenix, and Pima County, with the county seat of Tucson, are much larger than all the other counties in Arizona, in terms of population, total cases filed and total judge positions. Pinal, Yavapai, Yuma and Mohave Counties are close in population, number of cases filed and number of Judges. The other 9 counties included in this study are smaller, but information gained by including them was beneficial to the research.

Table 2
 Superior Court of Arizona -- Demographic Information by County
 In Descending Order of 2000 Census Population

County	[1] 2000 US Census Population	[2] FY2002/03 Total Cases Filed	[3] Total Judge Positions ^a
Maricopa	3,072,149	121,132	134
Pima	843,746	28,000	37
Pinal	179,727	7,161	7
Yavapai	167,517	6,933	8
Yuma	160,026	5,707	7
Mohave	155,032	5,282	7
Cochise	117,755	3,958	5
Coconino	116,320	3,360	5
Navajo	97,470	2,852	3
Apache ^b	69,423	876	1
Gila	51,335	2,353	2.95
Santa Cruz	38,381	1,832	3
Graham ^b	33,489	1,210	1.75
La Paz	19,715	969	1
Greenlee ^b	8,547	318	1

Sources:

[1] U.S. Census, 2000 Census Data, Bureau of Census. Website. 11/18/03.

[2] Arizona Supreme Court, Administrative Office of the Courts, Court Services Division.
 Superior Court Case Activity Report, Fiscal Year 2003.

[3] Telephonic interviews with Superior Court Administrator personnel, 11/20 - 12/23/03.

^a Includes full-time-equivalent Judge, Commissioner & paid Judge Pro Tem positions.

^b Not included in interviews.

Arizona Spanish-speaking Court Interpreter Services

Interview Questionnaire #1, Appendix 4, was used to conduct interviews of Superior Court personnel in 11 of the 15 counties in Arizona. Findings from these interviews and information from Yavapai County reveal great diversity in who provides Spanish-speaking Court Interpreter services in each county. As shown in Table 3, seven courts have salaried professional Spanish-speaking Court Interpreters. In Pinal

and Santa Cruz Counties, the person who provides Spanish-speaking Court Interpreter services also serves in other capacities. In Pinal County, an Interpreter also serves as Law Librarian. In Santa Cruz County, the interpreters are also responsible for Judicial Assistant and Bailiff duties.

Table 3
Superior Court of Arizona
How Spanish-speaking Court Interpreter Services are Provided, by Counties Interviewed

County ^a	Spanish-speaking Court Interpreter Employees				Independent Contractors	
	# Salaried Positions	Lowest/ Highest Salary Range	# Hourly Positions	Lowest/ Highest Hourly Range	Hourly or Half-day Rate	Per Diem Rate
Cochise	2	\$33,480/\$51,030	0.6	\$16/\$21	\$125 half day	\$190
Coconino	1	\$32,344/\$44,636	0	n/a	\$35/hr	n/a
Gila	0	n/a	0	n/a	\$35/hr	n/a
La Paz	0	n/a	0	n/a	\$30/hr	n/a
Maricopa	23	\$30,000/60,000	1	\$16	\$50-\$75/hr	\$225-\$265
Mohave	0	n/a	0	n/a	\$80/hr	n/a
Navajo	0	n/a	0	n/a	\$40/hr	\$150
Pima	4	\$32,000 start	0	n/a	\$25/hr	\$190
Pinal	3 ^b	\$30,576/\$57,054	0	n/a	\$86 half day	\$156
Santa Cruz	3 ^c	\$27,875 start	0	n/a	n/a	n/a
Yavapai	0	n/a	4	\$25-\$45	\$44/hr	n/a
Yuma	1	\$38,000/\$62,000	0	n/a	\$50 1st hr + \$30/hr addtl hrs	n/a

Source: Interviews conducted with Superior Court Administrator personnel, 11/20 - 12/3/03.

^aListed alphabetically

^bOne also serves as Law Librarian

^cAll also serve as Judicial Assistant and Bailiff

Information from interviews also revealed Yavapai County is 1 of only 3 courts interviewed that has Spanish-speaking Court Interpreters on an hourly-paid employee status. With the exception of Santa Cruz County, all courts included in this study use

independent contractors to provide services, either on a regular basis or in the absence of Court Interpreter employees.

The interviews also revealed at least three courts use court or clerk personnel who have other primary responsibilities to meet Spanish-speaking Court Interpreter needs. Gila County reported they do not have designated Court Interpreter positions, but they have three Spanish-speaking Bailiffs who are asked to interpret as needed. If a Bailiff is not available, the Court Appointed Special Advocate Program Secretary or City Magistrate may be asked to interpret. Interviewees from La Paz and Navajo Counties reported they have asked Spanish-speaking court personnel to interpret if there is an immediate need, it is considered a minor matter and there is not a Court Interpreter available. When La Paz County has a trial, a Spanish-speaking Court Interpreter who is certified in another state is retained from Maricopa County. There is a belief that if a Court Interpreter is certified in another state, a minimum level of proficiency has been proven.

Four courts interviewed responded they subscribe to telephonic interpreter services. Coconino County reports they use a company called Tele-Interpreters from California rarely, primarily when the Court Interpreter is on vacation. Mohave County reported they recently subscribed to services from Languages Unlimited, but has not used the service as of December 24, 2003. Pinal County and Yavapai County subscribe to Language Line services, but do not use telephonic court interpreting services for Superior Court cases.

Interviewees indicating use of salaried or hourly-paid Superior Court employees to provide Spanish-speaking Court Interpreter services were asked a follow up question

to determine for what other entities, if any, these interpreters provided services. With the exception of Santa Cruz County, the seven other counties that have Spanish-speaking Court Interpreters who are court employees responded services were provided to a number of other courts and departments. Table 4 shows, by County, where the Superior Court Interpreters also provide services.

Table 4
Superior Court of Arizona
Courts or Departments Receiving Interpreter Services from Spanish-speaking Court Interpreter Employees^a

County	Courts or Departments						
	Adult Probation	Juvenile Court	Justices of the Peace	Municipal Courts	County Attorney	Public Defender	Other
Cochise		X	X		X	X	X ^b
Coconino	X	X	X	X	X	X	
Maricopa	X	X	X		X	X	
Pima						X ^c	
Pinal	X	X	X		X ^d	X ^c	
Santa Cruz			X ^e				
Yavapai	X	X	X			X	
Yuma	X	X				X	X ^{b,f}

Source: Interviews conducted with Superior Court Administrator personnel, 11/20 - 12/3/03.

^aOnly includes counties that have Spanish-speaking Court Interpreter employees in the Superior Court.

^bProvides services for Legal Defender's office.

^cProvides occasional or back up services to the Public Defender's office.

^dProvides services for tape transcription and civil forfeitures.

^eProvides services for one Justice of the Peace in the same facility as the Superior Court; rarely used.

^fProvides services for (indigent defense) conflict administrators.

Four of the seven Courts with employees providing Spanish-speaking Court Interpreter services pay for these services from the Superior Court budget, regardless of who received the services. Yavapai County pays for Interpreter compensation and benefits from the Superior Court budget if services are provided to the judicial branch,

namely the Superior Court, Justice of the Peace Courts, Adult Probation Department and Juvenile Court. If services are provided to the Public Defender's office, the applicable costs are charged to the Public Defender's budget. In Pinal County, the entity using the interpreting service pays the costs.

Coconino County has an intergovernmental agreement with the City of Flagstaff. The County pays 39.4% of the interpreter costs and the City pays 60.6%. The Court Interpreter has an office at the Flagstaff Municipal Court and provides interpreting services as needed for all courts and departments referenced in Table 4. The intergovernmental agreement establishes priorities for the Court Interpreter to use in determining which assignments have precedence over others.

When asked for the types of cases the Superior Court pays Spanish-speaking Court Interpreters, again the answers varied by County. This question applied to all courts interviewed, regardless of how these services are provided. As can be seen by Table 5, the Superior Court in all eleven counties interviewed and Yavapai County pay for Spanish-speaking Court Interpreters in criminal, juvenile delinquency and juvenile dependency cases. The Superior Court in La Paz County restricts interpreter services in juvenile delinquency cases to the juvenile and does not pay for interpreters for family members. In the instances shown in Table 5 when the Superior Court does not pay for court interpreters, the attorney or parties are expected to arrange and pay for services.

Table 5
 Superior Court of Arizona
 Types of Cases Superior Court pays for Spanish-speaking Court Interpreter Services

County	Case Types, Assignments			
	Criminal	Juvenile Delinquency & Dependency	Family Court/ Domestic Relations	Civil
Cochise	X	X	X	X
Coconino	X	X	X ^a	
Gila	X	X		
La Paz	X	X ^b		
Maricopa	X	X	X	X ^c
Mohave	X	X		
Navajo	X	X	X ^c	X ^c
Pima	X		X ^d	
Pinal	X	X	X	X
Santa Cruz	X	X	X	X
Yavapai	X	X	X ^c	
Yuma	X	X		

Source: Interviews conducted with Superior Court Administrator personnel, 11/20 - 12/3/03.

^aSome child support and custody cases.

^bIn delinquency cases, only for juvenile, not family members.

^cOnly when parties are indigent or when specifically ordered by the Judge.

^dOnly if parties are pro per or represented by Legal Aid.

Of the eight courts that pay for Spanish-speaking Court Interpreters in Family Court or Domestic Relations cases, half of them only do so in limited circumstances. The Superior Court in Coconino County does not provide interpreters in domestic relations cases, generally, but does provide them in some child support and custody cases as ordered by the Judges. Similarly, Navajo and Yavapai County only pay for interpreter services in domestic relations cases on a rare occasion when the Judge determines it is necessary due to the nature of the proceeding and the parties are

indigent. In Pima County, the Superior Court will provide interpreters in domestic relations cases only when the parties are *pro per* or represented by Legal Aid.

Only 5 of the 12 counties studied provide interpreters in civil cases. Two of the five only pay for interpreters in civil cases for indigent parties or when specifically ordered by the Judge. The other 3 have personnel on-staff to provide Spanish interpreter services in all types of cases, including civil.

Ten of the twelve counties included in this study have a central contact person to coordinate services on behalf of all courts and departments receiving the services. The responsibility for coordination in eight counties rests with the Court Administrator or Court Administration personnel. The central contact person in two counties is a Judicial Assistant and a Municipal Court employee. Two counties have a decentralized process in which anyone who needs the service contacts the interpreter directly. The Judicial Assistants look at the court files from preliminary hearings or law and motion day to see whether there is an indication from the Justice of the Peace Courts that an interpreter is required. Spanish-speaking Court Interpreter services are retained when the individuals working with the parties or the files identify the need for an interpreter.

In requesting cost information for FY2002/03, the intent was to have service volume information with which to compare costs. For example, by dividing the cost of salary and benefits by the number of hours or cases Spanish-speaking Court Interpreters were provided by each Superior Court, an average cost-per-hour or cost-per-case could be determined. Only three counties, plus Yavapai County, had quantitative data available to compare costs.

Cochise and Pima Counties track the number of hearings with Spanish-speaking Court Interpreters. In FY2002/03, the Superior Court in Cochise County provided Spanish-speaking Court Interpreters for 1,075 hearings. There were approximately 8,000 hearings in which the Superior Court in Pima County provided Spanish-speaking Court Interpreters in FY2002/03. Pinal County tracks calls for interpreter services for all languages. While Spanish is the most requested interpreter service in Pinal County, it is unknown how many of the 2,278 calls for interpreter service were for Spanish.

Interviewees were asked to report FY2002/03 costs for Spanish-speaking Interpreter services provided to the Superior Court, excluding other courts or departments. When exact amounts were unknown, respondents were asked to provide the amount budgeted for these services or an estimate of the percentage of costs associated with Spanish-speaking Court Interpreter services provided to the Superior Court. The results are reflected in Table 6 below.

Table 6
 Superior Court of Arizona
 FY2002/03 Cost for Superior Court Spanish-speaking Interpreter Services

County	Cost Category			
	Salaries & Benefits	Independent Contractors	Telephonic Services	Total
Cochise ^a	\$126,264	\$5,777	\$0	\$132,041
Coconino	\$12,120	\$140	\$0	\$12,260
Gila ^b	\$0	\$50	\$0	\$50
La Paz ^c	\$0	\$3,500	\$0	\$3,500
Maricopa	\$1,100,000	\$350,000	\$60,000	\$1,510,000
Mohave	\$0	\$16,169	\$0	\$16,169
Navajo	\$0	\$9,480	\$0	\$9,480
Pima ^c	\$198,000	\$6,000	\$0	\$204,000
Pinal	\$66,123	\$8,175	\$2,008	\$76,306
Santa Cruz ^d	\$111,769	\$0	\$0	\$111,769
Yavapai	\$46,734	\$0	\$0	\$46,734
Yuma ^e	\$48,262	\$52,989	\$0	\$101,251

Source: Interviews conducted with Superior Court Administrator personnel, 11/20 - 12/3/03.

^aIncludes services for Superior Court, Justices of the Peace, Public Defender, County Attorney & Legal Defender.

^bBailiffs responsible for interpreting; actual time & expense unknown, so not reported.

^cBudget amount reported; actual expense unknown.

^dJudicial Assistants also serve as Bailiffs & Interpreters; significant time spent interpreting so expense of Judicial Assistant positions included.

^eIndependent Contractors expense includes rarely used languages other than Spanish.

The information in Table 6 is not as useful as anticipated for a variety of reasons. At least one court could not segregate costs for Spanish-speaking Court Interpreter services for the Superior Court from the costs of these services for all courts and departments receiving the services. At least two courts have personnel serving in other capacities also performing Spanish Court Interpreter services. The amount of time spent interpreting could not be quantified, so the total salary and benefits paid to these

personnel were included, in the case of Santa Cruz County, and excluded, in the case of Gila County. Two courts did not have FY2002/03 actual expense data readily available, so provided the amount of county funding approved in the budget for Spanish Court Interpreter services. One court was unable to exclude the costs of rarely used languages other than Spanish in the expense data provided. The value of comparing cost data is lessened by each of the aforementioned known variables.

Based on the cost information in Table 6 and the quantitative data provided in interviews with Superior Court personnel from Cochise, Pima and Pinal Counties, a cost-per-hearing or cost-per-service-request was calculated. The cost-per-hearing in Cochise County was determined to be \$122.83 per hearing, but the value of this figure is diminished for the following reason. As previously mentioned, the costs include services for all courts and departments, which are the Superior Court, six Justice of the Peace Courts, County Attorney, Juvenile Court, Public Defender and Legal Defender offices. In contrast, the number of hearings represents events with Spanish-speaking Interpreters in the Superior Court. Therefore, the cost is for one population and the quantity of hearings is for another, so the cost per Superior Court hearing cannot be determined from the data gathered.

The cost information provided by the Superior Court in Pima County as shown in Table 6 was divided by the estimated number of hearings at which a Spanish-speaking Court Interpreter provided services to determine an approximate cost-per-hearing of \$25.50. Pinal County costs in Table 6 were divided by the number of requests for Spanish-speaking Court Interpreters to calculate cost-per-request for services of \$33.50. It should be noted the Spanish-speaking Court Interpreters in Pinal County also

serve as Law Librarians. The full cost of the positions was reported in Table 6 because the amount of time spent on Law Librarian duties varies. This means the \$33.50 cost-per-service request is higher than the actual cost for interpreter services.

Information gathered from invoices and interpreter usage records in Yavapai County is included in Appendix 2. This data indicates the average cost per hour for Spanish-speaking Court Interpreter services in FY2002/03 was \$31.33. It is impossible to draw conclusions based on data in Table 6 because comparable cost and volume data are not tracked.

Current vs. Previous Methods Used in Arizona Courts

When asked whether the current methods used to provide Spanish-speaking Court Interpreters were always used by the courts interviewed and how else they may want to structure the provision of these services, the responses, in general, indicated courts preferred to maintain the system they currently use. Six responses indicated the way services are currently provided is the way it has been done historically. Three said they previously used independent contractors exclusively, but they now have interpreter personnel on staff. One reported they had tried to use college interns, but the judge was not tolerant of this approach as there was a learning curve. One reported they previously provided services to the Justices of the Peace at \$40,000 to \$50,000 more per year, but as a budget containment measure, the Superior Court stopped providing this service. The Justices of the Peace in that county now retain per diem reporters from an independent contractor.

Five of the eleven courts interviewed reported the current method used to provide services works well for the size of the county. Four of the five who would leave

the current method “as is” have interpreters on staff to coordinate and provide services. One of the five does not have interpreter staff and uses independent contractors exclusively.

Suggestions to Improvement in Arizona

Suggestions for structuring services and general comments from respondents are summarized below. Six of eleven respondents emphasized the need for interpreter certification and three emphasized the need to make training a priority.

- Arizona should establish a state certification program and standards, require interpreters be federally certified, or join the Consortium for State Court Interpreter Certification at the National Center for State Courts, to:
 - Provide courts with confidence that interpreters are well qualified.
 - Minimize attorney challenges on service quality.
 - Reduce variance in quality.
- Courts need more funding to provide interpreters with the opportunity to attend more job-specific training.

Those interviewed said there are conferences with quality education programs, but the lack of funding precludes most interpreters from attending. In addition to local training, the National Association of Judicial Interpreters and Translators, and the American Translators Association, offer annual training opportunities.

One respondent who promotes state certification recognized problems could be encountered as a result of requiring interpreters to meet minimum proficiency standards. The observation was: “what would be done if staff could not pass the certification requirements?” When there are personnel with several distinctly different

areas of responsibility, there is a question as to whether staff would be retained if they perform well in one or two areas of responsibility, such as Judicial Assistant or Bailiff, but could not meet interpreter certification proficiency requirements.

Suggestions to Improve Management of Services

Other suggestions prompted by Interview Questionnaire #1 related to the provision of court interpreter services in Arizona are listed below.

- Suggestions from Coordinators to promote improved management of interpreter services:
 - Ensure some influence or control over when matters are scheduled so as to maximize efficiency and improve utilization of resources.
 - Track case volume and hours of service.
 - Receive notice from Clerk's office when there are changes in cases with interpreters scheduled to reduce wasted time and costs.
- Provide larger pool of locally available interpreters to fill in for interpreter employee absences.
- Encourage staff interpreter to coordinate services, using staff exclusively and only using independent contractors when absolutely necessary
- Increase compensation of court personnel who also perform interpreter duties since they have multiple areas of responsibility.
- Consider changing from independent contractors to staff interpreters.
- Encourage Justices of the Peace to seek interpreter budget increases to cover rising costs and need for services due to population growth.

Inter-county Assistance

The final comments from Interview Questionnaire #1 relate to acknowledgement of assistance from other counties, other ways service is provided, and aspects to be considered by courts establishing staff interpreter positions. The comments are:

- The Court Interpreters Office in Maricopa County Court provides interview questions for other counties to use in selecting competent interpreters.
- Staff Interpreters in Pinal County also provide interpreting services over the telephone.
- Yuma County encourages courts considering establishing staff Interpreter positions to consider collateral duties for the Interpreters, such as Bailiff or Caseflow Manager duties, to maximize the use of available resources.

New Mexico and Colorado Spanish Court Interpreter Services

Interview Questionnaire #2 was created to obtain information from District Court Administrators in New Mexico and Colorado on how they provide Spanish-speaking Court Interpreter services. Counties closest and larger in population compared to Yavapai County were used, as shown in Table 7 (U.S. Census Bureau).

Table 7

New Mexico & Colorado Counties with Population Closest to or Larger than Yavapai County, Arizona
U.S. Census 2000 Census Population

County/ State	2000 U.S. Census Population
Dona Ana, New Mexico	174,682
Bernalillo, New Mexico	445,678
Santa Fe, New Mexico	129,292
Yavapai, Arizona	167,517
Weld, Colorado	180,936
Douglas, Colorado	175,766
Pueblo, Colorado	141,472

Source: U.S. Census, 2000 Census Data, Bureau of Census. Website. 12/2/03.

During the initial contact made with individuals in New Mexico and Colorado, it was clear that data gathering would not happen as planned. Both states have District Courts. The counties targeted using U.S. Census population data were in Districts with other counties, with the exception of Weld County, Colorado. And, both states have a state certification program for Court Interpreters and belong to the Consortium for State Court Interpreter Certification. These circumstances resulted in information being available for the entire state or by District, but not for a county. While this limits the ability to compare cost and usage with Yavapai County, the information gathered is still pertinent to this project.

According to personnel at the New Mexico Administrative Office of the Courts (AOC), New Mexico has an Interpreter Advisory Committee that was established by the legislature. Among other responsibilities, this Committee is charged with establishing fee guidelines for Court Interpreters. Courts are encouraged to use certified interpreters, when possible. Current fees are \$30.00 per hour for certified Court

Interpreters and \$15.00 per hour for uncertified Court Interpreters. If an Interpreter must travel to another county, they are paid a minimum of two hours, including travel time, and mileage. The state pays for Court Interpreters from a jury and witness fee fund.

New Mexico AOC personnel interviewed said only two courts in New Mexico have staff interpreters, and both are located in Bernalillo County. All other courts use independent contractors on an as needed or contract basis. In general, the New Mexico courts would like to have more staff interpreters, but they have been unable to obtain funding to pay for salaries and benefits. New Mexico AOC staff acknowledged great benefits of participating in the Consortium for State Court Interpreter Certification, and recommended participation by Arizona courts. It was also recommended that Yavapai County establish a position to coordinate services and consolidate scheduling.

In addition to providing interpreter services in criminal and juvenile cases, New Mexico AOC staff said the State of New Mexico pays for interpreters in domestic violence, domestic relations and mental health cases. If the Judge finds a party indigent in a civil case, the court provides interpreter services at no cost to the party. Additionally, New Mexico courts provide interpreters for jurors.

During contact with a certified Spanish-speaking Court Interpreter who coordinates services in Dona Ana County, information was provided about a public perception problem preventing New Mexico from getting the funds required to establish staff interpreter positions. The general public thinks someone who is bilingual has the same skills as a professional interpreter. This limits the ability of the State of New Mexico to raise revenue required to establish interpreter positions.

Each District Court in New Mexico has someone who coordinates interpreter services. It may be a Finance employee, Clerk, Secretary, or contract Interpreter.

During the telephonic interview with the certified Interpreter in Dona Ana County, New Mexico, a state approach to providing Court Interpreter services was recommended. The interviewee stressed the importance of statutes, rules, procedures, and standardization of the provision of interpreter services for all counties in the state. Legislative and public support and awareness are also very important. The certified interpreter suggested finding a model to follow and not trying to reinvent the wheel. She indicated it would be helpful to have a referral service at the state level to assist interpreters who want to work find courts that need interpreters. The certified interpreter offered assistance to the Arizona courts on the topic of Court Interpreters.

Four interviews were conducted with personnel in the Colorado court system. According to Human Resources personnel in the State Court Administrator's (SCA) Office, a central contact person coordinates interpreter services in each District Court. Although salaries for certified and uncertified Court Interpreters are established at the state, they are recommended and not required. Each District sets salaries according to local supply and demand. State rates are \$25.00 per hour for uncertified and \$30.00 per hour for certified Court Interpreters. Courts are not mandated to use certified Court Interpreters, but some District Courts require certified Spanish Interpreters. Certified means the interpreter has passed the Consortium for State Court Interpreter Certification test.

Colorado SCA personnel stated Colorado belongs to the Consortium for State Court Interpreter Certification. The Colorado legislature appropriates funds to the SCA

Office for interpreters and mandates when cases must have interpreters. Colorado courts have seen significant increases in interpreting time and costs, and they have gone over budget for the last two years.

According to SCA personnel, Colorado courts realized cost increases when changing from a primary system of contractors to salaried personnel because services were only retained when necessary when they used the contract system. Now, when salaried personnel are available, they do interpreting work they are not necessarily mandated to cover and for which they would not have provided an hourly-paid contract interpreter to cover. Even though costs have increased for interpreter usage, the SCA office recognizes the positive impact on case processing. If there is not an interpreter in a case and an interpreter is needed, it causes case management delays. Increases in interpreter costs are offset by more efficient case processing, but the full effect is unknown. The SCA Office is attempting to determine demographic trends driving usage and costs.

The 10th, 18th and 19th Judicial District Courts in Colorado were also contacted for information on local practices. These District Courts included the counties of Pueblo, Weld and Douglas, which had been predetermined to be most similar in size to Yavapai County. The 10th and 18th Judicial Districts include multiple counties. The 19th Judicial District only includes Weld County.

The 19th Judicial District Court has four staff Spanish-speaking Court Interpreters. The annual salary ranges are the same as Court Reporter salaries: \$42,396 - \$57,144 for certified and \$33,300 - \$44,652 for uncertified Court Interpreters. This District spent a total of \$230,542 to provide Spanish-speaking Court Interpreter

services in FY2002/03. This amount includes \$223,488 in salary, benefits and mileage paid to the four staff interpreters, and approximately \$7,053 for freelance interpreters.

The 10th Judicial District retained the services of an independent contractor on a full-time basis and compensates the contractor \$31,476 annually. This contractor is also responsible for coordinating interpreting services for all languages for the entire District.

All three Colorado District Courts interviewed receive Spanish Court Interpreter services from independent contractors at the state rates of \$25 per hour for uncertified and \$30 per hour for certified Court Interpreters. Each of the District Courts interviewed provide Spanish-speaking Court Interpreters for the District Courts and County Courts of limited jurisdiction. Two of the three also provide services to the Public Defender and County Attorney if the need is related to a court proceeding. One stated the Adult Probation Department has a full-time interpreter and one said the District Court provides interpreters for the Adult Probation Department.

All of the Colorado District Courts interviewed reported they provide interpreter services in criminal and juvenile cases. One said they provide interpreters in all types of cases, including domestic relations and civil. One said services are provided in domestic relations cases when there is an allegation of domestic violence. One said the parties in domestic relations cases are responsible for paying the interpreter and the contractor bills the parties directly.

The District Court that reported using independent contractors exclusively said they have been providing services in this manner for five years and it works well for everyone. Each division or department that needs an interpreter contacts the freelance

firm directly, whether the need is for Spanish or another language. The freelance firm coordinates the service so it is an efficient method to receive services for all languages.

The 19th Judicial District Court reported the current method of providing services is the way they have provided services for as long as can be remembered. According to the interviewee, it would be too expensive to use contractors, pay for travel time and mileage, and there would be no way to control costs. They have found it to be less expensive to use staff interpreters and do not recommend using hourly or per diem services.

When asked to provide any information deemed pertinent, one District Court Administrator suggested establishing a state certification program. This interviewee said it has been very beneficial to belong to the Consortium for State Court Interpreter Certification. Additionally, this respondent said that it has been suggested they hire Spanish-speaking staff in the Clerk's office to do interpreting. Two problems were noted. Clerks needed for clerical work may be impacted if they spend time interpreting. Secondly, conversational Spanish is one skill, but professional Court Interpreting is a different skill. They need to continue using Spanish-speaking Court Interpreters to do the interpreting.

Finally, one respondent said they used to have all on-call hourly interpreters and approximately five years ago they changed to one full-time Court Interpreter position. The change made a big difference, a very positive one in terms of service and costs. They have been able to reduce costs, avoid schedule gaps and provide quality interpreting to the public.

Users of Spanish-speaking Court Interpreters in Yavapai County

Data was compiled from timesheets, payroll records and invoices to determine recent usage and costs of Spanish Court Interpreter services in Yavapai County. Table 8 below summarizes the detailed cost information in Appendices 2 and 3.

Table 8
Yavapai County Spanish-speaking Court Interpreter Costs
Interpreter Personnel, Language Lines Services and Freelance Services
FY2001/02 - Projected FY2003/04

Fiscal Year	Court Interpreter Compensation^a	Language Line Services^b	Freelance Costs^b	Total
FY2000/01	\$51,159.00	\$202.40	\$0.00	\$51,361.40
FY2001/02	\$71,203.00	\$377.50	\$0.00	\$71,580.50
FY2002/03	\$70,418.75	\$2,508.30	\$0.00	\$72,927.05
FY2003/04	\$83,133.33	\$7,112.40	\$3,779.92	\$94,025.65

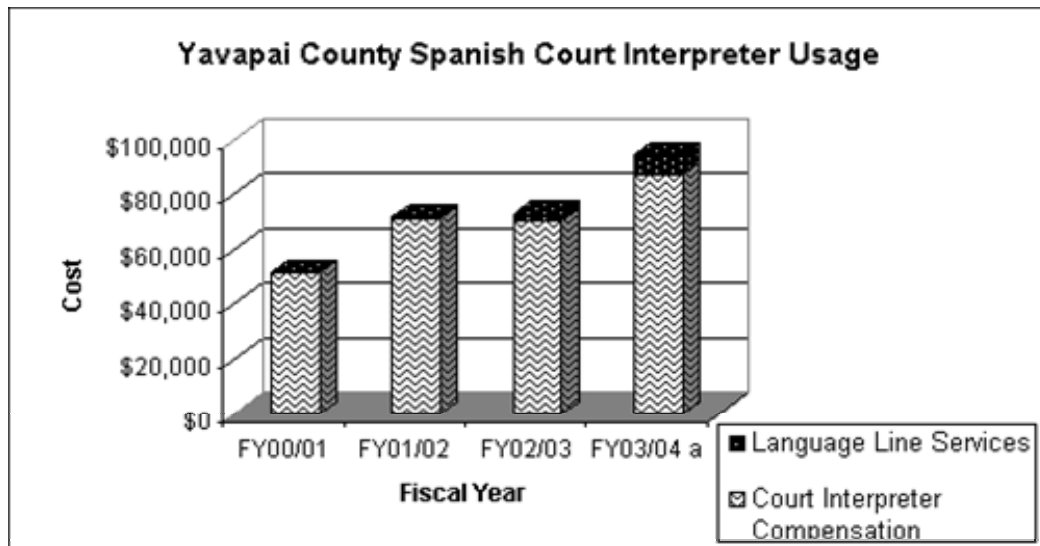
Source: Yavapai County payroll records, timesheets and invoices.

^aFY2003/04 projected based on actual data from 7/1 – 11/17/03.

^bFY2003/04 projected based on actual data from 7/1 – 10/30/03.

Figure 4 graphically displays information from Table 8. It shows amounts paid for telephonic Spanish interpreting services provided by Language Line Services to the Justice of the Peace Courts for FY2000/01 through projected FY2003/04. It also shows compensation paid to hourly Spanish-speaking Court Interpreters for fiscal years 2000/01 through projected FY2003/04. Costs for independent contractors are included with compensation paid to court interpreter personnel in FY2003/04 since this is when the Superior Court began to retain these services due to the unavailability of Court Interpreter personnel. FY2003/04 costs for Language Line Services and compensation are projected for twelve months based on four months of actual data.

Figure 4
Yavapai County Spanish-speaking Court Interpreter Usage
Fiscal Years 2000/01 - Projected FY2003/04



Source: Yavapai County payroll records, timesheets and invoices.

^aProjected based on actual data from 7/1 - 10/31/03.

Data from Table 8 indicate costs for Spanish-speaking Court Interpreter services (personnel, telephonic and freelance services) are projected to increase from approximately \$51,361 in FY2000/01 to \$94,025 in FY2003/04, which represents an 83% increase over three years. Table 8 also shows increased usage of Language Line Services and freelance Court Interpreter services due to unavailability of Superior Court Spanish-speaking Court Interpreter personnel.

Table 9 below shows total hours worked by and compensation paid to Spanish-speaking Court Interpreter personnel in Yavapai County. This data shows the four Spanish-speaking Court Interpreter personnel worked a combined average of 38 hours per week in FY2001/02 and are projected to work an average of 47 hours per week in FY2003/04. This is an approximate increase of 24% over two fiscal years. Often all these personnel work on the same day and sometimes none of them work. Although

the average hours per week appears to be equivalent to slightly more than one full-time position, it should not be assumed only one or even two personnel could have performed all of the work in all of the locations.

Table 9

Yavapai County Spanish-speaking Court Interpreter Personnel
Hours Worked and Compensation FY 2001/02 - Projected FY 2003/04

Fiscal Year	Total Hours Worked^a	Average Hours/Week^b	Average Hours/Day^c	Total Compensation	Average Comp/Hour
FY2001/02	2,001.00	38	8	\$71,203.00	\$35.58
FY2002/03	2,247.75	43	9	\$70,418.75	\$31.33
FY2003/04 ^d	2,454.67	47	10	\$83,133.33	\$33.87

Source: Yavapai County payroll records, timesheets and invoices.

^aIncludes Superior Court, Adult Probation, Juvenile Court, JP Courts, Public Defender, Other.

^bCalculated as total hours work divided by 52 weeks.

^cCalculated as total hours worked divided by 251 business days.

^dProjected based on actual data from 7/1 - 11/17/03.

In determining the total number of business days per year, 104 weekend days and 10 holidays were subtracted from 365 days. The total result was 251 days in a year. Table 9 also shows average number of hours worked per business day has increased from 8 hours in FY2001/02 to a projected 10 hours per business day in FY2003/04.

As shown in Table 9, total compensation paid to Spanish-speaking Court Interpreter personnel is projected to increase by approximately 17% from FY2001/02 to FY2003/04. This is gross salary and does not include county-paid payroll taxes or mileage. The average compensation per hour fluctuated from a low of \$31.33 per hour in FY2002/03 to a high of \$35.58 in FY2001/02 over the past two years. The changes are the result of turnover, changes in hourly rates of pay, and the compensation arrangement with one interpreter that includes a per diem rate for 3 to 6 hours of work.

The per diem arrangement results in reduced cost per hour for each additional hour worked after 3 hours, up to 6 hours.

If the number of hours worked by Court Interpreter personnel continues to increase at the rate of 24% every 2 years, Yavapai County can anticipate providing approximately 4,227 hours of service in 5 years (FY2008/09.) If the FY2003/04 average rate of compensation per hour of \$33.87 remains unchanged for the next 5 years and no changes are made to the way interpreter services are provided, Yavapai County will spend an estimated \$143,168 in gross wages to Superior Court Interpreters in FY2008/09. This does not include taxes, mileage, supplemental freelance or telephonic Spanish Interpreters, or administrative overhead costs.

Interview of Recipients of Interpreter Services in Yavapai County

Interview Questionnaire #3 was created to discover perceptions of individuals currently receiving Spanish-speaking Court Interpreter Services in Yavapai County. Appendix 6 includes all questions asked. Sixteen interviews were conducted, which represents 100% of the eight Superior Court Judges and five Justices of the Peace, and one representative each from the Juvenile Court, Adult Probation Department and indigent defense bar. Table 10 shows individuals selected for interviews and actually interviewed using Questionnaire #3.

Table 10
Yavapai County Users of Spanish-speaking Court Interpreters
Interview Questionnaire #3

# of Responses Desired	# of Actual Responses	Individual Interviewed
8	8	Superior Court Judges
5	5	Justices of the Peace
1	1	Juvenile Probation Officer
1	1	Adult Probation Officer
1	1	Indigent Defense Counsel
16	16	Total

Source: Interviews conducted with users of Spanish-speaking Court Interpreter services in Yavapai County, 11/14 - 12/10/03.

Respondents indicated Spanish-speaking Court Interpreters are primarily used for criminal, juvenile delinquency and dependency cases (for juveniles and parents), and orders of protection. In civil cases, Judges tend to require parties bring someone with them to interpret. If parties want a professional interpreter, they are provided contact information for the Spanish-speaking Court Interpreters and asked to make arrangements for direct payment to the Interpreters.

Occasionally, Interpreters are provided by the court in domestic relations cases, however, it is problematic as to who pays. The court's budget is not sufficient to pay these costs and the parties are generally unable to pay. When a Judge determines the nature of a proceeding warrants it and the parties do not bring someone to interpret, the Judge orders a Spanish-speaking Court Interpreter at Court expense. This happens rarely, but when it does it usually involves proceedings related to parental rights, child access and custody, or child support.

Some of the Justices of the Peace have Spanish-speaking employees who interpret in routine matters. In these courts, Spanish-speaking Court Interpreters are

only retained for more complex proceedings, such as trials. One Justice of the Peace uses Language Line Services, a telephonic interpreter service, on a regular basis and has only used services from the Spanish-speaking Court Interpreters provided by the Superior Court once.

Spanish-speaking Court Interpreters are not only retained to interpret in court proceedings, but they also provide services in other types of settings. Interpreters are used in client interviews conducted by probation officers who create presentencing reports and in defense attorney interviews with clients in and out of custody. They also translate written letters, documents and forms, and interpret as needed in mediation.

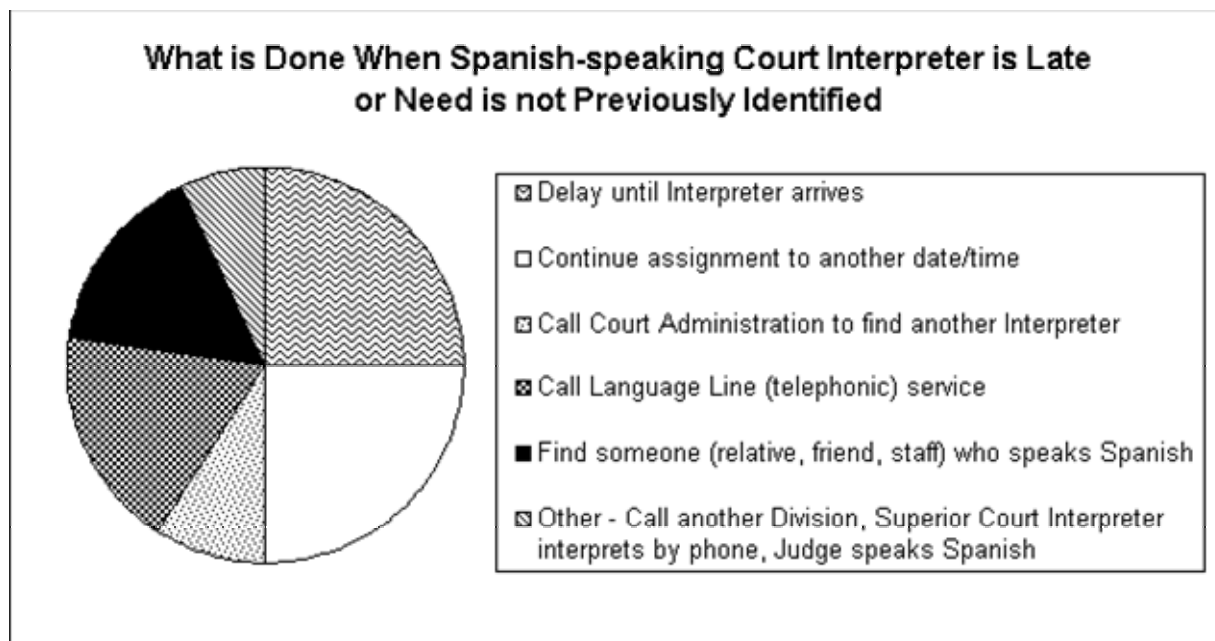
When users of interpreter services in Yavapai County were asked to give their best estimate on timeliness of Superior Court Spanish-speaking Interpreters, the responses were overwhelmingly positive. Five of sixteen respondents said Superior Court Spanish-speaking Interpreters are always (100%) on time and eleven said they are usually (75% to 100%) on time for schedule appointments and hearings.

Respondents who indicated Interpreters are usually punctual were asked to indicate reasons, if any, the Interpreter gives for being late. All indicated the Interpreters are scheduled to work in a number of courts and departments and sometimes they are delayed as they finish work in one place before moving onto the next assignment. One respondent also mentioned the Interpreter was often late for a regularly scheduled assignment, but the court calendar was changed to make that assignment later for a variety of reasons, and the Interpreter is no longer late. One respondent also mentioned that when an Interpreter is late, the stated reason is parking problems.

Users of Spanish-speaking Court Interpreter services in Yavapai County indicated a variety of people identify the need for an Interpreter. It may be the arresting law enforcement officer, magistrate who performs the initial appearance proceeding or court personnel. This identification for need of an interpreter can happen at any time.

Respondents were asked what they generally do when the Interpreter is late or if the need for an interpreter was not previously identified. All sixteen respondents provided multiple answers, which are shown in Figure 5.

Figure 5
Yavapai County Users of Spanish-speaking Court Interpreters
What Users Do When Interpreter is Late or Need is not Previously Identified



Source: Interviews conducted with users of Spanish-speaking Court Interpreter services in Yavapai County,
11/14 - 12/10/03.

Eleven of sixteen respondents said they handle other work and delay the court proceedings or assignment until the Interpreter arrives. If the matter is temporarily delayed and an interpreter is not available within what the respondent thinks is a reasonable amount of time, the assignment is continued to another date and time.

Eight said they have called Language Line service if they must proceed and a Superior Court Spanish-speaking Interpreter is not readily available. Seven said they find someone, such as a relative or friend of the party or a staff person, who speaks Spanish and proceed if a Spanish-speaking Court Interpreter is not available when needed. One of the seven said they do not allow a friend or relative of the party to interpret if it is a criminal proceeding. Four said they call Court Administration to find another Interpreter.

Three respondents indicated sometimes other actions occur. One said staff calls other areas where Interpreters may be working and ask for the Interpreter to come to their area when work is complete in the other area. One respondent indicated a Superior Court Interpreter was contacted directly and asked to interpret over the telephone. One Justice of the Peace said she speaks Spanish. If a case must move forward and an Interpreter is not available, she conducts the proceeding in Spanish to get the work accomplished.

When asked to share their thoughts on the quality of Spanish interpreter services provided by Superior Court Interpreters, most said they did not know for sure because they do not personally speak Spanish, but they believed the quality of services provided was exceptional. Responses included the following to describe the quality of Spanish interpreting services provided by Superior Court Spanish-speaking Interpreters:

- Exceptional, has experience with all over eight years and knows they can be counted on to be there and do a good job
- Very good overall, high quality, excellent, great, one is amazing
- Good, pretty good, some better than others

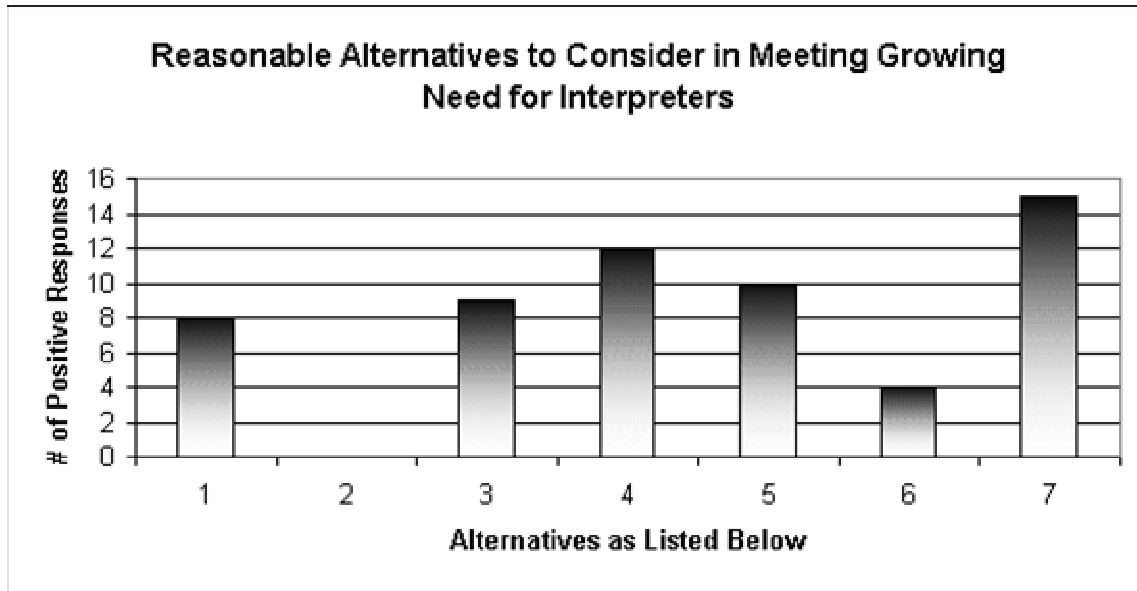
- One considered moderate because Judge was often asked to repeat what he said; no recent experience with this Interpreter
- Has heard no complaints, is confident attorney who speaks Spanish would inform Judge if interpreting is not accurate
- Use of microphone/headset equipment works well when there are two Interpreters to interpret for multiple juveniles and witnesses
- Quality people, no idea what they are really saying
- Has had best of the best in Federal Courts, speed was better there, but they were not stretched as thin and there was a lot more funding; we are fortunate to have the quality that we have in Superior Court

Only five respondents, the Justices of the Peace, had experience with Language Line Services. When asked about the quality of this telephonic Interpreter service, responses ranged from “okay “ to “quality is all over the board.” One respondent indicated some of the Interpreters do not know legal terminology, so the vocabulary limitations impede the quality of interpreting in a court setting. Others have had no problems and find some of the interpreting provided by Language Line Services to be very good.

As population grows, the demand for Spanish-speaking Court Interpreter services will continue to increase. Interviewees were given a list of potential alternative service delivery methods to respond as to whether they thought any or all of the methods would be worth considering in meeting the growing need for Interpreters. Respondents were free to provide other ideas. All sixteen respondents thought there

was more than one alternative worthy of additional research and consideration. Figure 6 shows the results of this question.

Figure 6
Yavapai County Users of Spanish-speaking Court Interpreters
Reasonable Alternatives to Consider in Meeting Growing Need for Interpreters



Alternatives:

1. If Court, call Interpreter cases first/early when multiple matters scheduled for the same time
2. If Superior Court, Interpreter cases assigned to particular Divisions
3. Designate, by location, particular days/times for Interpreter cases/work
4. Use Court Interpreters telephonically for certain proceedings/work if cannot physically be on location
5. Use Court Interpreters by video for certain proceedings/work if they cannot physically be on location
6. Use Language Line Services (telephonic) interpreters for certain proceedings/work
7. Hire/train more Spanish-speaking Court Interpreters to expand pool of available resources; if not enough work, see if more entities interested in cost-sharing, such as municipal courts, County Attorney, non-court entities

Source: Interviews conducted with users of Spanish-speaking Court Interpreter services in Yavapai County, 11/14 - 12/10/03.

All eight Superior Court Judges stated they currently call Interpreter cases first when there are multiple matters calendared for the same time. They all noted if an Interpreter is working in another division, they move onto other matters and come back

to the cases that need an Interpreter when the Interpreter arrives. Consequently, all eight responded that alternative one was reasonable.

No one responded it would be appropriate or reasonable to consider assigning all Interpreter cases to a particular Judge or Judges. Superior Court Judges said they have serious concerns about fairness and due process if Spanish-speaking defendants only could have their cases heard by a certain Judge or Judges.

There were eight positive responses to alternative three. They thought it would be reasonable to consider having an Interpreter scheduled in a certain location at a certain time on a regular basis. This was especially of interest to the adult probation department, juvenile court, defense attorney, a Justice of the Peace, and four Superior Court Judges.

In response to number four, all five Justices of the Peace said they thought it would be reasonable to allow the Superior Court Interpreters to interpret by telephone if they could not physically appear in court. Some of the Superior Court Judges said it might be feasible, depending upon the type of proceeding. All thought this alternative was preferable to using Language Line Services because they have confidence in the quality of interpreting from the Superior Court Interpreters compared to the inconsistent quality of other telephonic services.

The majority of the ten respondents who indicated expanded use of the video-conference system may be worthy of consideration also warned that use of this system in criminal cases is problematic. The most significant problem with alternative number five is the video system does not allow for a confidential exchange between the defendant and defense counsel. Additionally, the unreliability of the system makes

dependability difficult. Some of the respondents noted they would be amenable to using this system for non-criminal matters.

The four who responded that alternative number six, Language Line Services, was reasonable for certain proceedings are Justices of the Peace. They currently use Language Line Services. Despite concerns about inconsistent quality, they said they think this service can be used effectively for more routine matters such as initial appearances and short hearings.

Fifteen of the sixteen respondents are in favor of exploring alternative number seven. This is to hire and train more Spanish-speaking Court Interpreters to expand the pool of resources available locally. Priorities would have to be established to guide coordination of competing interpreter assignments. If there is insufficient work to keep the Court Interpreters consistently busy, the Superior Court could determine whether there may be other entities, such as Municipal Courts, the County Attorney's office or non-court entities interested in cost-sharing for use of the Interpreter services.

Respondents also offered a variety of other alternatives to consider in meeting increasing needs for Interpreters. There was a single response with each of the following twelve ideas.

- Provide extra compensation to current staff who interpret.
- Use Spanish-speaking faculty from high school or community college.
- Develop a corps of volunteers, including Spanish teachers.
- Add Spanish requirement to Bailiff positions.
- Encourage the Clerk to hire bilingual counter clerks; consider extra compensation.

- Obtain more bilingual mediators.
- Expand use of microphone/headset equipment for multiple interpreters.
- Consider having Judge make statement to all Spanish-speaking defendants at same time, in person or by video, prior to court proceeding.
- Consider pooling Interpreter resources with other counties.
- Consider having State rather than County pay Interpreters.
- Consider interest from hospitals to share Interpreters with the Court.
- Offer Spanish classes at County expense for Court employees who are serious about using Spanish in Court hearings and to assist clients.

Interviewees were asked to indicate their overall level of satisfaction with the current provision of Spanish-speaking Court Interpreter services. Overall responses were favorable, as can be seen in Table 11.

Table 11
Yavapai County Users of Spanish-speaking Court Interpreters
Overall Satisfaction with Current Services

# of Responses	Response
6	Very Satisfied
7	Satisfied
1	Neutral
0	Unsatisfied
0	Very Unsatisfied
1	No Response
1	"Less happy than before services coordinated"
16	TOTAL

Source: Interviews conducted with users of Spanish-speaking Court Interpreter services in Yavapai County, 11/14 - 12/10/03.

One respondent who was satisfied with current services also said he recognizes by the time issues related to retaining Interpreter services are worked out, the Judicial

Assistant has spent more time than appropriate. This Judge gets a number of requests for Interpreters in domestic relations cases. Parties are expected to bring a family member or have their attorney arrange for an Interpreter. In these instances, the parties are expected to pay the Interpreter. Many parties do not have attorneys and do not have the money to pay for Interpreters, so they ask the Court to provide the Interpreters and seek a fee waiver. This takes staff and Judge time to consider and respond.

One respondent said he is less happy than before the Superior Court had a coordinator scheduling Interpreter services. He said it is less efficient for him due to the unnecessary delay of calling someone other than the Interpreter. Before there was a service coordinator, the attorneys called the Interpreters directly to schedule interpreting work.

The last question asked of users of Spanish-speaking Court Interpreter services in Yavapai County was whether there was anything else pertinent but not asked.

Responses were varied and included the following:

- Get ready to address need for Chinese Interpreters; heard California is dealing with a significant demand currently.
- Need to teach lawyers how to use Interpreters; helps now and will help in future as lawyers are appointed as Judges.
- Emphasize good use of County funds to pay for Court personnel to learn Spanish.
- Consider housing Spanish-speaking inmates in Prescott jail rather than Verde jail since the Interpreters and most attorneys are in Prescott; would increase access and decrease travel.

- Defense attorneys would like more access to Interpreters Wednesday through Friday.
- Consider having a uniform document to transmit files from the Justice of the Peace Courts to the Superior Court so indication of need for interpreter would be consistent and immediately identifiable.
- Solicit for Spanish-speaking Judges when there is a judicial vacancy.
- Need State training and certification process for Interpreters.
- Need staff Interpreters for Public Defender and jail.
- Consider allotting more time for Interpreter to cover sentencing proceedings so they have time to cover Conditions of Probation before the proceeding.
- Consider students and the public doing community service by serving as Interpreters at the jail, and in probation or defense interviews.
- Interpreters have discouraged people interested in interpreting work due to concerns about lack of work.
- Concerns with quality of interpreting when done by a family member of one of the parties.
- Prefer better access to Court Interpreters without concern for cost.
- Likes idea of having current Court Interpreters available by telephone.
- Would be cost-effective for County if staff who interpret get additional compensation.
- Do not require Justice of the Peace Courts to use Superior Court Interpreters; keep certification barriers at bay.

Yavapai County Interpreter Service Providers

Questionnaire #4 (Appendix 7) was designed for the four current Spanish-speaking Court Interpreters and the Court Services Coordinator who coordinates interpreter services. They were asked to provide information on Interpreter satisfaction, management of services, and improvement ideas. The questions were modified for the Court Services Coordinator to indicate her perception of Interpreter job satisfaction. Results of the five respondents are shown below.

When asked about satisfaction with the current volume of work, one Interpreter responded the current volume of work is satisfactory and three responded they preferred more work. The Court Services Coordinator said she thought two were satisfied with the current volume of work and two preferred higher work volume.

Additional comments on the volume of work are:

- Prefer more regular schedule; it is fair and pleasant time-wise now
- Could do more work on Mondays, but perfect not having to work Tuesday through Friday
- Interpreting should be available for the entire process, including Victim Witness program; people have a right to the complete judicial process.
- Need to educate judges on vital need for Interpreters from jail booking through end of case; mainly a need for limited jurisdiction judges.
- Provide services to municipal courts and have cities share costs.

When asked whether Interpreters found their work for the Court satisfying, all five responded affirmatively. When asked what makes it satisfying, the following responses were provided:

- Opportunity to remove unnecessary pain and discomfort due to language barrier.
- Doing something of value to help people.
- Enjoy contact and learning about the Court and cultures.
- Serving people. Sometimes feel people need more help, but has to limit role to interpreting.
- Knowing there is not a language barrier, the defendant is getting benefit of understanding intimidating process in native language.
- Helping people who would not otherwise have fair access to the court.
- Personal challenge.
- Pay is an issue because there has not been any cost of living increases.
- Budget should include funds for Interpreter resource materials, dues for professional organizations, workshops, and conference attendance.

In the area of management of services, respondents were asked for their thoughts on how the management of Spanish-speaking Court Interpreter services could be improved in Yavapai County. Responses are as follows:

- Keep central office to schedule. Not sure users are aware of need to call Court Administration instead of contacting Interpreters directly. May need to communicate this.
- Consider having a defense attorney at the jail and another in court for defendants who have questions during arraignment proceedings.

- Very satisfied with how Interpreter services are currently managed. System is quite efficient having one person coordinating. Interpreters used to have to call every Court to find out about schedule changes.
- Need more funding to provide training and education for Interpreters.
- Would like to be a regular salaried employee. Paid on hourly basis by two different budgets and does not feel a belonging to either entity.
- Hire a managing Interpreter who also works as an Interpreter. Best to hire from outside to reduce competition.
- Centralization has streamlined scheduling. Hears calls are not returned timely to people who need services. Finds this hard to believe.
- Provide memo with procedure and lead time needed to retain Interpreters so people have realistic expectations.
- Consider establishing staff Interpreters who would also translate.

Next, the Interpreters and Court Services Coordinator were asked for their thoughts on how the Superior Court in Yavapai County can best meet the growing needs for Interpreter services. Responses are as follows:

- Things work remarkably well considering everything now.
- Translate standard documents in correct Spanish.
- Provide secure location for Interpreters to review documents with in-custody defendants. Currently done in the jury box during Court proceedings and it is hard to do without distracting others.

- Have Interpreter arrive at jail at 8 a.m. to talk with all Spanish-speaking inmates at once to explain arraignment process and basic Court information so all are prepared for 8:30 a.m. arraignments.
- Have Interpreter arrive prior to time set for plea agreement so defendant is ready; requires attorney to arrive early too.
- Have Attorneys meet with defendant and Interpreter prior to Court to minimize delays, interruption to the Court and waste of time.
- Consider having Spanish Court Interpreters who specialize in certain case types or proceedings.
- Court could give general instructions to all Spanish-speaking defendants at one time.
- Have Spanish-speaking jail booking personnel to get proper information and answer the defendant's questions.
- Consider adding at least one staff Interpreter or multiple part-time staff Interpreters. If staff position is created, need to have budget to provide services to everyone and training for Interpreters.
- Consider shorter Interpreter assignments each day so quality is not impeded by longer work hours.
- Consider having County pay for an interpreter to get training to be a trainer to the other interpreters.
- Have County provide funding to train, evaluate and test potential Interpreters.

The last question prompted respondents to identify the one thing they would change. Responses are as follows:

- Provide a private place for non-English speaking out-of-custody defendants to meet with attorney and Interpreter prior to Court. This is being done successfully with in-custody defendants.
- Provide training so Interpreters stay current on vocabulary and process. Interpreters who attend training should share what they learn.
- Use the microphone/headset equipment more frequently in situations with multiple Interpreters and individuals needing interpreting.
- Ensure Interpreter service coordinator has background in interpreting so effective support and assistance can be provided.
- Add money.
- Obtain wireless equipment so victims can be outside courtroom and hear proceedings. Current equipment wire length limits proximity.
- Consider assigning Interpreters to work in certain Courts based on when certain matters are regularly scheduled. Divisions would set court proceedings according to when an Interpreter is scheduled.
- Provide training and incentives so interpreting is more appealing to new people and so current Interpreters feel appreciated and want to stay.

Outcomes of Objectives

The goal of this project is to determine whether there are reasonable and cost-effective alternatives to consider in reducing costs and improving the delivery of

Spanish-speaking Court Interpreter services in Yavapai County. These measurable objectives were established to research potential improvements.

- Determine cost of current service delivery in Yavapai County: Met
 - Average compensation per hour ranged from a low of \$31.33 in FY2002/03 to a high of \$35.58 in FY2001/02.
 - Costs for Spanish-speaking Court Interpreter services (personnel, telephonic and freelance services) are projected to increase from \$51,361 in FY2000/01 to \$94,026 in FY2003/04, an 83% increase over three years.
 - If current rates and methods continue, Yavapai County can expect to pay an estimated \$143,168 to Superior Court Interpreter personnel in FY2008/09.
- Measure users' perception of current services in Yavapai County: Met
 - Overall, responses were positive about the quality of services.
- Identify how other counties in Arizona provide services: Met, but limited.
 - There are a variety of methods used. The majority of counties have someone who coordinates services and often this is a staff Interpreter.
 - The lack of data to compare costs-to-volume made it impossible to directly compare with Yavapai County, although inferences may be made.
- Identify how counties in neighboring states provide services: Met, but limited.

- Colorado and New Mexico belong to the Consortium for State Court Interpreter Certification.
- Colorado and New Mexico have State-funded Interpreter programs to support all Courts. Information was available on a District rather than County basis.
- Identify Interpreters' current satisfaction and improvement ideas: Met.
 - Current Spanish-speaking Court Interpreters are generally satisfied with their work, but some would like to work more, be paid more, and have funding for resources and training.
 - A variety of constructive ideas were offered that may be implemented at minimal or no cost.
- Provide recommendations to test alternatives and improve services: Met.
 - The literature review, data collection, and interview process provided a great deal of information that can be used to consider reasonable methods to reduce costs and improve delivery of Spanish-speaking Court Interpreter services in Yavapai County.

Outcome of Defined Variables

The following variables were identified prior to gathering data and conducting the interviews. The success was dependent upon these variables. Each is described below and had the potential of impacting the results of this study:

1. The necessary primary data being available for compilation by the researcher.

Actual Outcome: It was available and there was more historical data than anticipated.

2. The researcher interviewing all, or at least the majority, of individuals identified as a representative sampling.

Actual Outcome: All individuals identified in the sample were interviewed.

3. The researcher determining which counties in adjacent states have demographics comparable to Yavapai County.

Actual Outcome: This was done by reviewing population statistics by county for the states of New Mexico and Colorado from the U.S. Census Bureau website.

4. The perceptions of interviewees being representative of actuality.

Actual Outcome: There is a high degree of confidence that the perceptions are representative of actuality due to the consistency of the information received.

5. The usage and cost data collected from other counties being available and in a consistent form for comparison with primary data from Yavapai County.

Actual Outcome: Data on usage of Spanish-speaking Court Interpreters was almost non-existent, but cost data was more readily available. The lack of data to describe volume of work was an obstacle in comparing costs, so population and total cases filed was used in an attempt to present costs relative to quantity. This did not work well because the

relationship of population and total cases filed to Court Interpreter costs in unknown and presumably inconsistent statewide.

6. Data on the usage rates of Language Line Services being available.

Actual Outcome: This data was available.

Conclusion

The final section will summarize the findings of this project. These will be compared to previous research and work in the area of Court Interpreters to draw conclusions. Recommendations for improving the provision of Spanish-speaking Court Interpreters in Yavapai County will also be shared. The section will conclude with what would be differently if the project was repeated and implications for future study.

CONCLUSIONS

Summary of Findings

The United States Constitution protects individual life, liberty and property in the fifth and fourteenth amendments by guaranteeing the right to due process of law and fairness through equal protection laws. The sixth amendment provides the accused in criminal prosecutions the right to be informed of the nature and cause of the accusation, and to cross-examine witnesses. When language barriers exist, the Court is responsible for preserving individual rights and the integrity of the adjudication process by determining whether Interpreter services are necessary, and providing these services to the extent they are required.

There has been significant population growth in Arizona and Yavapai County. The Superior Court in Yavapai County needs to prepare now for the anticipated continued growth of Spanish-speaking population. If changes are not made and historical increases in demand for Spanish-speaking Court Interpreter continue, the Superior Court in Yavapai County can anticipate costs increasing by more than 72% over the next five years.

Seven of eleven interviews of Superior Court personnel in Arizona revealed salaried Court Interpreter personnel provide interpreter services. There has been movement from primary reliance on independent contractors to staff Interpreters who also coordinate interpreting services. Several courts have Court Interpreter personnel work in other capacities as well. All Superior Court Interpreter personnel interviewed indicated they provide interpreting services to other courts and entities in addition to the Superior Court.

Interviews of Judges and others who receive Spanish-speaking Court Interpreter services in Yavapai County indicate the current interpreters are generally timely. If an Interpreter is late, most of the time it is because they were finishing an assignment in another location. Although it is not considered a significant problem, there is a desire to expand the availability of Interpreter services to maximize efficiency and minimize case processing delays that impede productivity of Judges, court staff, jail personnel and attorneys.

Many courts with salaried Interpreters provide services to a wide range of cases in addition to criminal and juvenile, including family court, domestic relations and civil cases. Ten of twelve Arizona counties included in this research have personnel who coordinate Interpreter services on behalf of all courts and departments receiving services. A lack of available information makes it impossible to compare Interpreter cost and volume of services provided to the Superior Court in Yavapai County with other counties.

The financial disincentive to appoint qualified interpreters needs to be removed for all courts. Provision of interpreter services should not be driven by availability of local resources, or lack thereof. Arizona needs to shift planning for Interpreter services and costs from cities and counties to a state program and budget.

Relationship of Findings to Previous Work

The Superior Court in Yavapai County needs to continue to coordinate Court Interpreter services, rather than reverting back to individuals contacting Interpreters as needed. The collaboration of the Courts and departments using the services is a

positive attribute of the current system. It has the potential of being further expanded to include more entities to share services and costs.

Thirty states are members of the Consortium of State Court Interpreter Certification and have a centralized Court Interpreter program. Arizona needs to follow suit. Such a program would provide a statewide roster of qualified Court Interpreters eligible to work throughout the state. The coordinated program would provide guidance for Courts in hiring Interpreters and establish a code of professional responsibility. Training, testing, and quality of Interpreter services should be consistent throughout the state, regardless of funding that may be provided by city councils and county boards of supervisors. Until a centralized Court Interpreter program can be established at the state level, the Superior Court in Yavapai County needs to establish as many components of a state system as possible, on a county or regional level.

The public should have equal access to Courts, regardless of where they live or do business. As a cost-saving measure, some Courts, like the Superior Court in Yavapai County, primarily provide Interpreters in criminal cases. These Courts expect parties to bring friends or relatives to interpret in civil or domestic relations cases. Nationally, including Arizona, many Courts provide qualified Court Interpreters to parties in all types of cases. It is a conflict of interest for relatives or friends of the party to interpret, as they may offer advice or make decisions on behalf of the party without knowledge of the Judge or party. The Court needs to be able to appoint a qualified Interpreter in all cases in which an Interpreter is needed, whether the parties are assessed costs or the Court is paying for it. Judges need to have confidence the interpretation is accurate and justice is served. Additionally, professional Court

Interpreters facilitate the efficient processing of cases that are likely to be delayed when novices attempt to interpret.

Recommendations Based on Findings

Thirteen of sixteen individuals interviewed who currently receive Spanish-speaking Court Interpreter services in Yavapai County indicated they are satisfied or very satisfied with current services. While the findings do not indicate the Spanish-speaking Court Interpreter services in Yavapai County are deficient in any way, the research identifies some opportunities to potentially cut costs and improve services.

Current Interpreters in Yavapai County said they find their work for the court satisfying, although three would like to work more and one states pay is an issue. Providing more work without increasing costs may be possible by reallocating resources and collaboration with other courts or departments. Lack of regular salary increases is more difficult to address.

The Interpreter indicating pay is an issue is compensated \$45 per hour for up to three hours of work. The rate changes to a per diem rate of \$160 for three to six hours of work, and if the interpreter works more than six hours, compensation is per diem plus \$45 per hour for each hour in excess of six. Findings from literature review and interviews reveal this rate of pay is not deficient.

Recommendations

The following recommendations are made as a result of this research.

1. Retain a centralized system and expand collaboration. Continue to share qualified Spanish-speaking Court Interpreter services and costs.

- a. Continue to coordinate Court Interpreter services from Court Administrator's office.
 - b. Recruit and train more Spanish-speaking Court Interpreters and make them available to all entities interested in pooling resources. This requires sufficient demand and cost sharing to make this worthwhile for the Interpreters and users. Consider non-court entities and regional collaboration.
 - c. Consider collateral duties for staff Interpreters. If there is not enough consistent demand for Interpreter services, determine whether there are other duties that could be performed by Interpreter personnel.
2. Establish salaried staff interpreter position(s). Analyze how many positions would be necessary to provide the level of services currently provided, at a minimum. Assign scheduling and coordinating duties to staff Interpreters who would also provide interpreting services. Consider additional services that should be provided and determine whether there is sufficient budget capacity to support increased service levels. This recommendation has the potential to improve services in the following ways:
- a. Increased availability to meet unanticipated interpreting needs, reducing delay in public service and case processing.
 - b. Increased availability for domestic relations and civil cases. This would minimize the use of family members and friends to interpret

and expedite case processing. The Court would have confidence the parties are provided a full and accurate interpretation.

- c. Improved public trust and confidence in the Courts would be instilled as Judges ensure everyone seeking relief from the Court, regardless of the case type, have the benefit of hearing the proceedings in their native language.
- d. Improved morale and sense of belonging for the Interpreters who would have a consistent work schedule and paycheck.
- e. Improved access to training for Interpreters who would be entitled to job-specific training required of all Arizona judicial branch personnel.

3. Support interpreters in continuing education and professional development. Whether or not salaried Interpreter positions are created, the Superior Court in Yavapai County should actively pursue funds to assist Interpreters in attending workshops and formal training. This would help the Interpreters stay current with skills and vocabulary, improving proficiency, employee satisfaction and morale. The Court and public receive a direct benefit in quality interpreting. The Court should also evaluate the availability of funds to pay for interpreter reference materials and professional membership dues.
4. Continue to encourage live in-person interpreter services. If an Interpreter cannot physically be at the location needed and a Justice of the Peace, attorney or probation officer determines it is appropriate to receive the

interpreting over the telephone, schedule the Superior Court Interpreters to provide services over the telephone, to the extent possible. This would increase work volume for Superior Court Interpreters and reduce use of Language Line Services.

5. Provide training for Judges and attorneys on use of interpreters. Judges cited a need for attorneys to effectively use interpreter services. Interpreters also believe they can be of greater service if people are trained on how to best use the services they provide.
6. Consider setting schedule for Interpreters to be available for certain work. Determine whether it would be cost-effective and feasible to schedule Interpreters to be available certain days and times for certain types of work.
7. Support state efforts to establish certified Court Interpreter program. Serve on committees, communicate with legislators, and support a State effort to establish a Certified Interpreter program in statute and court rules, to the extent possible. Encourage participation in the Consortium for State Court Interpreter Certification, coordination of a State program and budget appropriations for Interpreter services.
8. Explore expanded use of technology. This recommendation includes several components.
 - a. Determine whether use of existing equipment can be expanded. It may be appropriate to use it more often or in other settings. It may

be necessary to buy additional equipment so it can be used in multiple locations at the same time.

- b. Explore the potential of equipment and web-based scheduling software used by the federal courts and in the Four Corners Consortium for Telephonic Court Interpreting project. The software may facilitate Interpreter scheduling and the equipment may improve telephonic interpretations in certain settings.
- c. Explore feasibility of using video conferencing equipment for matters, such as non-criminal proceedings in the Justice Courts, attorney interviews with clients, and pre-sentence interviews in adult probation.
- d. Determine if there is sufficient need to make a video to advise defendants, in Spanish, of their rights prior to the commencement of Court proceedings.

9. Meet with Public Defender and Jail personnel to improve logistics. There are several recommendations that would involve cooperation of the attorneys, court and jail personnel.

- a. Determine whether it is possible to begin Interpreter work earlier with attorneys and clients, both in-custody and out-of-custody. This would reduce delay in proceedings and rushing Interpreters who must interpret in multiple cases.
- b. Determine whether there is a confidential location for attorneys to meet with clients and the Interpreter prior to court. This would

reduce distraction due to noise in the courtroom and improve confidentiality that is impeded when this work is done in the jury box with others.

- c. Determine if it would be possible for a defense attorney to be at the jail for video arraignments and an attorney in the courtroom for arraignment of out-of-custody clients. Ideally the attorneys would meet the Interpreters early, before arraignments begin, to explain the process to and answer questions of Spanish-speaking clients.
- d. Discuss feasibility of housing Spanish-speaking inmates in the Prescott jail instead of Verde jail. This would increase attorney/client access, decrease attorney and Interpreter travel, and potentially decrease inmate transportation.

10. Provide users of interpreter services written policies and procedures.

There appears to be a need to establish realistic expectations on lead time and procedures for retaining services.

11. Establish uniform transmittal document. Follow up with the Justices of the Peace and Clerk of Superior Court to determine whether it is possible to create a uniform document to transmit files from the Justice of the Peace Courts to the Superior Court and clearly indicates if an Interpreter is needed.

12. Recruit bilingual mediators. As mediation services expand and population increases, there is more need for mediation to be conducted in Spanish.

Recommendations for Changes in Future Study

If this project is repeated, it is not recommended 100% of the Judges be interviewed. It would have been sufficient to interview 4 or 5 of the 8 Superior Court Judges and 2 or 3 of the 5 Justices of the Peace. The results of this project would not have been diminished if a sampling rather than the entire population of Judges was interviewed.

On the other hand, it may have been beneficial to interview 3 or 4 defense counsel rather than 1. Approximately 20% of Spanish-speaking Court Interpreter services are provided to Public Defender and indigent defense attorneys. It is unknown whether the 1 defense attorney interviewed is representative of the entire population of attorneys who use interpreter services.

The questions related to who identifies need for interpreter and how far in advance the need is determined were of minimal if any value to this project. It is suggested these questions be eliminated if the project is repeated.

If this project was conducted again, the interview questionnaires for Courts in New Mexico and Colorado would have been pretested with personnel in those states. This would have made it obvious the differences in Judicial Districts make it impossible to compare data with Yavapai County, Arizona. While the information gathered was interesting and helpful, the interview questionnaire developed to compile comparable data from courts in New Mexico and Colorado was not as useful as intended.

Implications for Future Study

Findings in this study indicate diametrically opposed points of view on who should provide Court Interpreter services. The majority of individuals interviewed and

the prevailing message in information found in the literature review indicate the absolute need to have professionally trained Court Interpreters meet Court interpreting needs. However, there was a minority advocating for volunteer Interpreters, staff performing Interpreter duties in addition to other responsibilities, and keeping Interpreter certification requirements at bay. The researcher believes those who advocate for these lesser qualifications of Interpreters are attempting to be fiscally responsible while minimizing delay in case processing and public service.

This topic of lesser qualifications may be appropriate for further study. The questions of, "Is there a place in the judicial process for volunteers who speak Spanish but are not professional court interpreters?" does need to be addressed. It also needs to be determined if it would be cost-effective to develop a volunteer program to include recruitment and retention, as well as training and proficiency testing. Staff Interpreters could potentially provide basic training and have some mechanism to test skills of volunteers.

Additionally, some of the individuals interviewed said consideration should be given to adding the ability to speak Spanish as a requirement to court clerk, bailiff or jail personnel positions. It may be appropriate to study whether this is beneficial to the Court in the long run and if there is funding to provide additional compensation to staff that use Spanish to perform their duties.

One individual stated the County would benefit from paying tuition for employees to take a Spanish course if they had a genuine interest in using Spanish to assist the public. Further study could determine whether it is beneficial for personnel to use Spanish at work, even on a limited basis. If such a program were to be established, it

may be appropriate to have an agreement requiring personnel to repay the County for costs if they left County employment within a certain period of time after the County paid for Spanish classes.

Appendix #1

SUPERIOR COURT IN YAVAPAI COUNTY, ARIZONA**SUMMARY OF CASES FILED**

Source: Superior Court Case Activity Reports published by the Arizona Supreme Court,
Administrative Office of the Courts, Court Services Division.

CASE TYPE	FISCAL YEAR										
	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01	01/02	02/03
Criminal	741	907	1,380	1,228	1,320	1,509	1,397	1,483	1,726	2,056	2,216
Civil	828	990	981	1,052	1,106	1,168	1,154	1,194	1,174	1,212	1,372
Domestic Relations	1,048	1,165	1,515	1,690	1,629	1,550	1,766	1,886	1,831	1,838	1,894
Probate	456	525	469	521	516	563	586	524	535	530	553
Juvenile [1]	443	465	596	691	867	967	856	863	827	928	821
Mental Health [2]						228	183	222	198	163	77
TOTAL	3,516	4,052	4,941	5,182	5,438	5,985	5,942	6,172	6,291	6,727	6,933

[1] Juvenile = Dependencies, delinquencies & adoptions

[2] Reliable mental health statistics available since FY1997/98.

FY2000/01									
Interpreter	Hours Worked by Location						Total Hrs	Comp	\$ Avg.
	Superior Court	Adult Probation	Juvenile Court	JP Court	Public Defender	Other	Worked	\$	Per Hour
A	Detailed data not available.							\$6,177	
B								\$21,402	
C								\$20,728	
D								\$2,862	
Total								\$51,169	
FY2001/02									
Interpreter	Hours Worked by Location						Total Hrs	Comp	\$ Avg.
	Superior Court	Adult Probation	Juvenile Court	JP Court	Public Defender	Other	Worked	\$	Per Hour
A	184.00	5.00	3.25	0.50	61.75	0.00	254.50	\$10,050.00	\$39.49
B	608.25	6.00	63.00	1.25	79.00	0.00	757.50	\$26,413.00	\$34.87
C	427.50	19.50	18.25	243.25	273.50	0.00	982.00	\$34,530.00	\$35.16
D	0.00	0.00	0.00	7.00	0.00	0.00	7.00	\$210.00	\$30.00
Total	1,219.75	30.50	84.50	252.00	414.25	0.00	2,001.00	\$71,203.00	\$35.58
FY2002/03									
Interpreter	Hours Worked by Location						Total Hrs	Comp	\$ Avg.
	Superior Court	Adult Probation	Juvenile Court	JP Court	Public Defender	Other	Worked	\$	Per Hour
A	211.50	5.25	5.75	5.00	39.75	0.00	267.25	\$10,540.00	\$39.44
B	480.50	35.50	63.75	8.00	143.50	0.00	731.25	\$25,780.00	\$35.25
C	572.75	37.25	22.50	113.25	244.50	5.00	995.25	\$27,908.75	\$28.04
D	227.00	0.00	0.00	0.00	27.00	0.00	254.00	\$6,190.00	\$24.37
Total	1,491.75	78.00	92.00	126.25	454.75	5.00	2,247.75	\$70,418.75	\$31.33
FY2003/04-to-date (7/1/03 - 11/17/03) 4.5 Months									
Interpreter	Hours Worked by Location						Total Hrs	Comp	\$ Avg.
	Superior Court	Adult Probation	Juvenile Court	JP Court	Public Defender	Other	Worked	\$	Per Hour
A	87.00	0.00	0.00	0.00	17.00	0.00	104.00	\$4,160.00	\$40.00
B	156.25	28.50	14.25	9.00	93.50	2.00	303.50	\$11,245.00	\$37.05
C	294.00	0.00	0.00	0.00	80.00	0.00	374.00	\$12,990.00	\$34.73
D	126.00	0.00	0.00	0.00	13.00	0.00	139.00	\$2,780.00	\$20.00
Total	663.25	28.50	14.25	9.00	203.50	2.00	920.50	\$31,175.00	\$33.87
Freelance Spanish Interpreters (due to unavailability of staff interpreters)								\$1,417.47	

PROJECTED FY2003/04 based on 4.5 months actual									
Interpreter	Hours Worked by Location						Total Hrs Worked	Comp \$	\$ Avg. Per Hour
	Superior Court	Adult Probation	Juvenile Court	JP Court	Public Defender	Other			
A	232.00	0.00	0.00	0.00	45.33	0.00	277.33	\$11,093.33	\$40.00
B	416.67	76.00	38.00	24.00	249.33	5.33	809.33	\$29,986.67	\$37.05
C	784.00	0.00	0.00	0.00	213.33	0.00	997.33	\$34,640.00	\$34.73
D	336.00	0.00	0.00	0.00	34.67	0.00	370.67	\$7,413.33	\$20.00
Total	1,768.67	76.00	38.00	24.00	542.67	5.33	2,454.67	\$83,133.33	\$33.87
Freelance Spanish Interpreters (due to unavailability of staff interpreters)								\$3,779.92	
TOTAL PROJECTED FY03/04								\$86,913.25	

Appendix 3

Primary Data Collection Instrument #2

Language Line Services for Spanish Interpreters

Data listed by month of service usage.

FY2000/01 Language Line Services			FY2001/02 Language Line Services		
Month	Minutes	Cost	Month	Minutes	Cost
Jul-00	0	0.00	Jul-01	0	\$0.00
Aug-00	0	0.00	Aug-01	26	\$57.20
Sep-00	0	0.00	Sep-01	11	\$24.20
Oct-00	0	0.00	Oct-01	28	\$61.60
Nov-00	0	0.00	Nov-01	15	\$33.00
Dec-00	0	0.00	Dec-01	0	\$0.00
Jan-01	0	0.00	Jan-02	24	\$56.10
Feb-01	0	0.00	Feb-02	0	\$0.00
Mar-01	0	0.00	Mar-02	0	\$0.00
Apr-01	0	0.00	Apr-02	0	\$0.00
May-01	92	202.40	May-02	12	\$26.40
Jun-01	0	0.00	Jun-02	50	\$119.00
Total	92	202.40	Total	166	\$377.50

FY2002/03 Language Line Services			FY2003/04 Language Line Services		
Month	Minutes	Cost	Month	Minutes	Cost
Jul-02	49	\$118.60	Jul-03	399	\$877.80
Aug-02	144	\$297.00	Aug-03	310	\$682.00
Sep-02	40	\$90.20	Sep-03	251	\$557.00
Oct-02	0	\$0.00	Oct-03	113	\$254.00
Nov-02	16	\$40.00	Nov-03		
Dec-02	42	\$95.10	Dec-03		
Jan-03	53	\$119.90	Jan-04		
Feb-03	105	\$231.00	Feb-04		
Mar-03	100	\$220.00	Mar-04		
Apr-03	173	\$391.40	Apr-04		
May-03	213	\$523.70	May-04		
Jun-03	171	\$381.40	Jun-04		
Total	1,106	\$2,508.30	Total-to-Date	1,073	\$2,370.80

Appendix 4

Interview Questionnaire #1 – AZ Superior Court Administrators

Person Interviewed: Date _____ Phone # _____ Email _____
 Name/Title _____ County _____

Interviewer to provide info. on scope of project and how results will be used.

- ☐ Send Copy of Results

Address: _____

Demographics

FTE Superior Court Judges/Div. _____ FY02/03 Total Case Filings _____

Approx. County Population _____ as of this date _____

Spanish-speaking Court Interpreter Services

1. Who does interpreting?

- ☐ Court Interpreter (employee) approx. # FTE(s) _____ Salary Range _____
 Approx. # on-call _____ Hourly Range _____ Min. hrs. paid _____
☐ Per Diem (freelance) Court Interpreters, Rate Range _____ Min. hrs pd _____
☐ Court/Clerk personnel or staff from other dept. _____
☐ Telephonic Services, provided by _____
☐ Other _____

2. If Interpreters are Superior Ct employees, do they work for others? __Yes __No

If so: a. for whom?

_____ Adult Prob. _____ JPs (# _____) _____ Municipal Cts (# _____) _____ Co. Attorney
 _____ Juv. Crt _____ Public Defender _____ Other _____

b. what cost-sharing mechanisms are used?

- ☐ None, all costs paid by 1 entity _____
☐ Costs paid by 1 entity _____ and then distributed per usage and/or IGA
☐ Costs paid directly by entities/depts. using services
☐ Other _____

3. For what types of cases does the Superior Court pay Interpreters?

_____ Criminal/Juv. Delinquency _____ Orders of Protection/Inj. Against Harassment
 Other _____

4. How are Spanish-speaking Interpreter services coordinated?

- ☐ No coordination; anyone who needs service contacts interpreter or telephonic service directly
☐ Central contact person; who/where? _____
☐ Other _____

5. If services coordinated,

a. who notifies coordinator an interpreter is needed? _____

b. how far in advance is coordinator notified of need? _____

6. FY02/03 cost for Spanish-speaking Interpreter services for Superior Ct.

\$_____	Salaries	\$_____	Freelance/Independent Contractors
\$_____	Benefits	\$_____	Telephonic Services
\$_____	Other _____		Total \$_____

7. FY02/03 approx. #hrs Spanish-speaking Interpreters paid by Superior Ct. _____

8. FY02/03 approx. # cases Spanish-speaking Interpreters pd. by Sup. Ct. _____

9. Is this the way you have always provided interpreter services? What other ways have you tried? _____

10. How else would you structure service provision and why? _____

11. Is there anything I haven't asked that you feel is pertinent? __No __Yes

Thank you for your assistance.

Appendix 5

Interview Questionnaire #2 – NM & CO District Court Administrators (OR AOC)

Person Interviewed: Date _____ Phone # _____ Email _____
 Name/Title _____ County/State _____

Interviewer to provide info. on scope of project and how results will be used.

- ☐ Send Copy of Results

Address: _____

Demographics

FTE Superior Court Judges/Div. _____ FY02/03 Total Case Filings _____

Approx. County Population _____ as of this date _____

Spanish-speaking Court Interpreter Services

1. Who does interpreting?

- ☐ Court Interpreter (employee) approx. # FTE(s) _____ Salary Range _____
 Approx. # on-call _____ Hourly Range _____ Min. hrs. paid _____
☐ Per Diem (freelance) Court Interpreters, Rate Range _____ Min. hrs pd _____
☐ Court/Clerk personnel or staff from other dept. _____
☐ Telephonic Services, provided by _____
☐ Other _____

2. If Interpreters are District Ct employees, do they work for others? __Yes __No

If so: a. for whom?

_____ Adult Prob. _____ JPs (# _____) _____ Municipal Cts (# _____) _____ Co. Attorney
 _____ Juv. Crt _____ Public Defender _____ Other _____

b. what cost-sharing mechanisms are used?

- ☐ None, all costs paid by 1 entity
☐ Costs paid by 1 entity _____ and then distributed per usage and/or IGA
☐ Costs paid directly by entities/depts. using services
☐ Other _____

For what types of cases does the District Court pay Interpreters?

_____ Criminal/Juv. Delinquency _____ Orders of Protection/Inj. Against Harassment
 Other _____

4. How are Spanish-speaking Interpreter services coordinated?

- ☐ No coordination; anyone who needs service contacts interpreter or telephonic service directly
☐ Central contact person; who/where? _____
☐ Other _____

6. If services coordinated,

a. who notifies coordinator an interpreter is needed? _____

b. how far in advance is coordinator notified of need? _____

6. FY02/03 cost for Spanish-speaking Interpreter services for District Ct.

\$ _____	Salaries	\$ _____	Freelance/Independent Contractors
\$ _____	Benefits	\$ _____	Telephonic Services
\$ _____	Other _____		Total \$ _____

7. FY02/03 approx. #hrs Spanish-speaking Interpreters paid by District Ct. _____

8. FY02/03 approx. # cases Spanish-speaking Interpreters pd. by Dist. Ct. _____

9. Is this the way you have always provided interpreter services? What other ways have you tried? _____

10. How else would you structure service provision and why? _____

12. Is there anything I haven't asked that you feel is pertinent? __No __Yes

Thank you for your assistance.

Appendix 6

Interview Questionnaire #3—Yavapai Co. Users of Spanish-speaking Ct Interp.

Person Interviewed: Date _____ Phone # _____ Email _____
 Name/Title _____

Interviewer to provide info. on scope of project and how results will be used.

☐ Send Copy of Results

Usage of Spanish-speaking Court Interpreter Services

1. For what types of cases/work do you use Spanish-speaking Court Interpreters?

_____ Criminal	_____ Juvenile Delinquency
_____ Civil	_____ Juvenile Dependency
_____ Domestic Relations	_____ Mental Health
_____ Probate	_____ Witness Interviews
_____ Translations (written docs)	_____ Defense Interviews
_____ Pre-Sentence interviews	
_____ Orders of Protection/Injunctions Against Harassment	

Other _____

Timeliness of Interpreters

2. Please give your best estimate on the timeliness of Superior Court Spanish-speaking Interpreters. Interpreters are present on time for scheduled appointments/hearings:

___ Always (100%) ___ Usually (75-100%) ___ Sometimes (50-75%)
 ___ Seldom (less than 50%) ___ Never (0%)

If less than always:

a. what reasons, if any, does the Interpreter say s/he is late?

Identification and Notification of Need for Interpreter

3. Who is responsible for identifying need for interpreter? _____

a. How far in advance is the need for an interpreter identified? _____

b. What do you generally do when the Interpreter is late or if the need for an interpreter was not previously identified?

_____ delay until Interpreter arrives
 _____ continue proceeding or work assignment to another date/time
 _____ call Court Administration to find another Interpreter
 _____ call Language Line (telephonic) service
 _____ find someone else (family member, staff, other) who speaks Spanish
 _____ Other _____

Quality of services

4. What are your thoughts on the quality of Spanish interpreting services provided by:
- a. Superior Court Interpreters_____

If negative response, ask what makes you say that?_____

b. Language Line Services, if used_____

If negative response, ask what makes you say that?_____

c. Other services, if used_____

If negative response, ask what makes you say that?_____

Alternative service delivery methods

5. As population grows, the demand for Spanish-speaking Court Interpreter services will increase. What do you think are reasonable alternatives to consider in providing and managing services to meet the growing needs?

IF ALTERNATIVE IS CONSIDERED "UNREASONABLE", ASK WHY?

_____ If Court, call Interpreter cases first/early when multiple matters calendared for same time_____

_____ If Superior Court, Interpreter cases assigned to particular Divisions

_____ Designate, by location, particular days/times for Interpreter cases/work

_____ Use our Interpreters telephonically if they can not physically be at the location needed for certain proceedings/work_____

_____ Use our Interpreters by video-conference system if they can not physically be at the location needed for certain proceedings/work

_____ Use Language Line (telephonic) Interpreters for certain proceedings/work

_____ Hire/train more Spanish-speaking Court Interpreters to expand pool of available resources, and if there is not enough work available to keep the Interpreters consistently busy, determine if more entities are interested in cost-sharing, i.e. municipal courts, County Attorney's office, non-court entities_____

_____ Other_____

Overall Satisfaction with Current Services

6. What is your overall level of satisfaction with the current provision of Spanish-speaking Interpreter services?

☐ Very Satisfied

☐ Satisfied

- ☐ Neutral
- ☐ Unsatisfied
- ☐ Very Unsatisfied
- a. If less than very satisfied, what are your concerns and ideas to improve the provision or management of services? _____

7. Is there anything I haven't asked that you feel is pertinent? _____

Thank you for your assistance.

Appendix 7

Interview Questionnaire #4 – Yavapai County Service Providers

Person Interviewed: Date _____ Phone # _____ Email _____
 Name _____

Interviewer to provide info. on scope of project and how results will be used.

- ☐ Send Copy of Results

Hire date _____ Rate of pay _____

Job Satisfaction

1. Are you satisfied with your current volume of work or would you prefer to work more or less?

- ☐ Satisfied with current volume of work
☐ Prefer to work more
☐ Prefer to work less

a. If prefer to work more or less, what are your ideas on how we could do this?

2. Is your work for the Court (Superior Court, Juvenile Court, Adult Probation, JP's, Public Defender) satisfying to you?

- ☐ Yes

a. What makes it satisfying to you?

- ☐ Somewhat

a. What is most satisfying?

b. What could the Court consider doing to increase your satisfaction?

- ☐ No

a. What could the Court consider doing to increase your satisfaction?

Management of Services

3. What thoughts do you have to improve the management of Spanish-speaking Court Interpreter services? _____

4. As population grows, the demand for Spanish-speaking Court Interpreter services will increase. What are your thoughts on how we can best meet the growing needs?

5. In addition to everything you have said, if there was 1 thing you could change, what would it be? _____

Thank you for your assistance.

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